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Historical Papers.

SERIES 4.

NORTH CAROLINA METHODISM AND SLAVERY.

BY J. S. BASSETT.

A leading Baptist minister, now quite old, said to me recently: "About all the religion the negroes as a class got before the war, they got from the Methodist and Baptist churches." This remark, so far as it applies to the number who joined these churches, is entirely true. These two churches have been the churches for the people in North Carolina. In their doctrines and their methods they appealed to the popular mind. They have preached to the heart. They early appealed to the enslaved people around them. Other churches, undoubtedly, had negro members. All of them had a few; but no other churches had them in large numbers. In the other churches, as the Presbyterian and the Episcopal, the negroes in the church were mostly slaves or followers of families who had their membership there. In all denominations the negroes had equal rights so far as instruction and communion went; but not equal privileges in the government. They were cared for faithfully by the whites and through patient teaching, many of them came to understand and to practice the fundamental principles of Christian living—a process which undoubtedly helped the slave to bear his servitude and operated to render slavery as a state perpetual. When there were only a few negro members they attended services with the whites, and a certain portion of the church was assigned to them. Where there was a large congregation of negroes

they were given a separate sermon, usually after the whites had dispersed. In earlier days there were a few negro preachers but even then the greater part of the preaching for the negroes was done by white preachers. The influence of the preacher over his flock was something that the whites very properly would not have relinquished to the negro preachers, had there been ever so many of the latter. In 1831 slaves and free-negroes were forbidden by the legislature to preach, exhort or hold prayer meetings. This was a harsh law, and in some cases it was not strictly enforced. In others it was enforced and bore hardly on at least one prominent negro preacher, viz: Rev John Chavis, of Granville. The white preachers preached such sermons as they thought the negro needed and could comprehend. Naturally, this led them to emphasize the duties of servants to their masters, that is to say, they continually preached from the text: "Servants obey your masters." The most independent spirits rejected this kind of preaching. To them it seemed that the white man's religion was but another means of riveting the chains of servitude.

No other leading church in the South, except the Quakers had a better record as to the practice of slavery than the Methodist church. John Wesley pronounced the slave trade "the execrable sum of all villanies." (Luke Tyerman, iii-114.) The last letter he wrote, six days before death, was to Wilberforce, and in it he called our slavery "the vilest that ever saw the sun." (Ib. iii, 650.) Whitfield, however, believed that slavery might be made a means of converting the Africans. He did not think slavery wrong and he bought and worked slaves on his plantation in Georgia. In America many Methodists held Mr. Wesley's view. In the North especially was this true. The Conference in Baltimore, in 1780, declared that slavery "is contrarary to the laws of God, man, and nature, and hurtful to society, contrary to the

to the dictatates of conscience and and pure religion and doing that which we would not that others should do to us or ours." It further declared its "disapprobation on all our friends who keep slaves." (Minutes. pp. 25-6.) This resolution was probably offered by some of the members of the Conference, although there is nothing in the records to show it. It was decided in 1784 that Methodists who bought and sold slaves ought to be turned out of church. Public opinion was found to be against this regulation for a year later it was suspended till a later meeting of Conference. The Conference, however, was particular to add: "N. B. We do hold in the deepest abhorrence the practice of slavery, and shall not cease to seek its destruction by all wise and prudent means." (Mins. p. 55). This change of sentiment was caused by the preaching of Bishop Coke who had just arrived in the country and had begun to preach with vigor against slavery. Southern slave-holders were enraged and in South Carolina he narrowly escaped bodily violence. As a result Methodists were refused access to the slaves and it took years to overcome the opposition. If the matter was taken up in the near future no mention of it was made in the published minutes. In 1795, the church proclaimed a fast, and one of the purpurposes was "to call on the Lord that the Africans and Indians may help to fill the pure church of God."

An important question from the first was the holding of slaves by ministers. The spirit of the church was undoubtedly against it, Whitfield's example to the contrary, notwithstanding. The matter was before the Conference for some time, and it occasioned many disputes—just as later it was to be the cause of the division of the church. At length the two sides came to a compromise. In 1816, it was agreed and enacted that henceforth no Methodist preacher should hold slaves in the States in which the laws would allow them to be emancipated and to live there as freemen. As all of the Southern States required slaves

that were set free to leave those States in a short time on pain of being re-sold into slavery, this did not operate harshly on such preachers in the South as had slaves. Such preachers were, it is fair to say, as a class against Slavery in the abstract, but they were often so placed that to own a slave seemed to them the most humane thing under the circumstances. Thus a preacher might marry a woman who owned slaves. These slaves might not desire to leave their old homes for the colder climates of the free States, and they might have to leave relatives to whom they were deeply attached in order to do so. In such a case a benevolent and intelligent master would most likely consider that the best interest of the slave demanded that he should be still a slave.

As the North became more and more aroused on the question of slavery the Northern preachers became more and more pronounced in their views against it. The compromise of 1816, like the Missouri Compromise four years later, tendered to restrict slavery to the South. By 1844, the Northern section of the country had developed far enough to have the most pronounced views. The matter was opened in the General Conference of that year in regard to a case from Maryland in which a preacher had married a woman who owned slaves, thus becoming a slave-owner. Maryland forbade liberated slaves, to stay in its bounds. The Maryland Conference failed to pass the character of the slave-owning bridegroom, who, it was said, had flown in the face of well known public opinion in his church in coming into his new relation. The case was appealed to the General Conference and the judgment of the lower Conference was confirmed. This gave the anti-slavery movement courage and they at once brought in a resolution of censure against Bishop Andrew, whose episcopal heart had been caught in the meshes by a fair slave-holding widow in Augusta, Ga. The North claimed that the bishop by his marriage had made himself unacceptable to the North—

where the people would not have a slave-holding bishop to hold the Conferences. The majority of the delegates from the free States were men of a new time—reared in the midst of the strenuous controversy over slavery. With them the spirit of the compromise of 1816 went for but little. They were immovable. The resolution against Bishop Andrew was carried by a vote almost strictly sectional.

The result, as is well known, led to the secession of the Southern delegates and the establishment of the Methodist Episcopal Church, South. But the Southern church did not change its profession in regard to slavery. It had contended for the compromise of 1816, and in its own Discipline, first published in 1846, it repeated in the exact words of the old Discipline: “We declare that we are as much as ever convinced of the great evil of slavery; therefore, no slave holder shall be eligible to any official station in our church hereafter where the laws of the State in which he lives will admit of emancipation, and permit the liberated slave to enjoy freedom. 2. When any traveling preacher becomes an owner of a slave or slaves, by any means, he shall forfeit his ministerial character in our church, unless he execute, if it be practicable, a legal emancipation of such slaves, conformable to the laws of the State in which he lives.”

As to the care of the Methodists for negroes the record is clear. From the earliest time the Methodists turned their attention to the conversion of the slaves. In many communities in the South, the church began its work as a negro church. It may be said that it was the first considerable body to make the conversion of the slaves a chief object. It had success from the first. In 1795 the Conference rejoiced that many thousands of these poor people [the Africans] are free and pious.” (Mins. p. 163-4). When the division between the North and the South came, the latter branch instructed its preachers to enjoin on their congregations the duty of Christians to teach the slave to

read the Bible and the duty of the slave to attend church services. It also guaranteed to colored ministers the privileges usually granted to other like members, "when the usages of the country do not forbid it." The presiding elder was authorized to hold a separate District Conference for colored preachers when there were enough to justify it. Moreover, the the Annal Conferences were given the authority to employ colored preachers to travel and preach—provided that such preachers should have been recommended according to the Discipline. Thus it will be seen that the Southern Methodist church began its life in no spirit of hostility to the negro. This body repudiated the anti-slavery sentiment of the North but it still professed an oppositon to slavery in the abstract and earnestly desired the best Christian development of the slaves.

In North Carolina the progress of Methodism among the slaves was rapid. In 1787, when we have our first statistics, there were within the State, 5,017 white and 492 colored members. In 1790, three years later, there were 7,518 whites and 1,749 blacks. The census etimated at five-year periods after this runs :

Year.	Whites.	Blacks.
1795	8,414	1,719
1800	6,363	2,108
1805	9,385	2,394
1810	13,535	4,724
1815	14,283	5,165
1820	13,179	5,933
1825	15,421	7,292
1830	19,228	10,182
1835	27,539	8,766
1839	26,405	9,302*

This shows a rapid gain of the blacks as compared with

* FOOT NOTE.—This is the last year for which I have been able to get the figures.

the whites. A notable feature here is a tendency—not entirely absent from the white column also—for the negro membership to vary sharply, sometimes rising suddenly and then again falling as suddenly. This variation is not unnatural. It corresponds with the emotional nature of the negro. In the eastern part of the State the proportion of negro members was large. This was of course due to the fact that in this section there were vastly more slaves than in the East. An illustration of this is found in Wilmington. Methodism was planted here about the close of the eighteenth century. William Meredith a wandering Methodist preacher came to Wilmington at that time. He was struck with the possibility of doing good in the place. In the suburbs among the negro cabins he bought a lot. He preached faithfully to both black and white in any place he could get. At length he had raised a sum of money, mostly from the penny collection of the negroes, and he built a church building of his his own. His venture was independent of the regular connection, but he held the friendliest relation with the regular preachers as they came through Wilmington, and when he died he left his church and other property to the Methodist organization. Hither came Bishop Asbury in 1807. He preached two sermons on Sunday. At sunrise of the same day John Charles, a colored preacher, preached from the text: “Now no more Condemnation.” The bishop speaks of it as a “high day on Mt. Zion.” The majority of the flock were negroes. By the wealthy people the church was looked down upon as the “negro church.” The only other church in the place at that time was an Episcopal church. Most of the aristocratic ladies attended this church but a majority of the men were freethinkers after the French fashion. The Methodist doctrines were considered all right for the ignorant—whose conduct was thought to be improved by a taste of hell-fire. The congregation were not however,

always left at peace. The records show that on certain occasions the building was wrecked by the popular vengeance.

More striking is the story of the planting of Fayetteville Methodism. Late in the eighteenth century Fayetteville had but one church organisation and that was Presbyterian. The body, however, had no building of its own. One day there came to the place, Henry Evans, a full-blooded negro shoemaker who was going from Stokes county, N. C. to Charleston, S. C. where he proposed to locate. He is thought to have been born free and it is known that he was converted at an early age. He removed first from Virginia to the neighborhood of Doub's Chapel, in what was then Stokes, but is now Forsythe, county. Here he staid one year and was licensed to preach by the Methodists. In Fayetteville he was impressed by finding that the coloree people were "wholly given to profanity and lewdness, never hearing preaching of any denomination." He decided to settle here and to try to build up the negroes. He had not preached long when he found himself the object of the severity of the law. The whites, ever on the alert to detect some early sign of a slave conspiracy, passed a law forbidding him to preach within the town limits. He then met his flock in the "Sandhills," which were desolate places outside of the corporate limits. He thought he had cause to fear mob-violence and he changed the place of meeting from time to time and often his tormenters would go to break up his meeting only to find that he had moved it to some other place. No law was violated. His persecution he bore meekly, and those who spoke to him about the matter got such respectful answers that public opinion at length changed. Many of the negroes were reached, and it was soon noticed that such as had come under his influence were the more docile for it. A number of prominent whites, mostly women, became interested, and began to go to the meetings. His friends increased fast and he was at

length invited to hold his services in town again. More than this, a rude wooden church was constructed and seats in it were reserved for the whites, some of whom became regular attendants on the services. The reputation of the preacher grew rapidly and the white attendants increased in number. At length they filled the entire body of the church and the boards on the side were knocked off so as to allow shed-like additions to be built for the colored attendants. At first the organization was an independent one. But in time it was taken into regular connection and Fayetteville became an appointment on an established circuit. A white preacher accordingly had the work in hand; but the heroic founder was not displaced. A room was built in the rear of the pulpit and here he lived the rest of his life. He died in 1810.

Of Henry, Evans, Bishop, Capers said: "I have known not many preachers who appeared more conversant with the scriptures than Evans, or whose conversation was more instructive as to the things of God. He seemed always deeply impressed with the responsibility of his position. . . . Nor would he allow any partiality to induce him to vary in the least degree the lines of conduct or the bearing which he had prescribed to himself in this respect; never speaking to a white man but with his hat under his arm; never allowing himself to be seated in their houses; and ever confining himself to the kind and manner of dress proper for negroes in general—except his plain black coat in the pulpit. 'The whites are kind to come and hear me preach,' he would say, 'but I belong to my own sort and must not spoil them.'" The humility of the man, we must think, was praise-worthy. It was necessary under the circumstances. But what shall we say of the system that demanded such a prostration of self-respect from a man of the christly courage of Henry Evans! He did a great work, but might it not have been greater had he been untrammelled by the sense of his subordination.

His last speech to his people is noteworthy. Directly after the morning service it was the custom of the white preacher to preach to the blacks. On the Sunday before Evans died, as this meeting was being held, the door of the little rear room opened and the old man tottered in. Leaning on the altar-rail he said very simply: "I have come to say my last word to you. It is this: None but Christ. Three times I have had my life in jeopardy for preaching the gospel to you. Three times I have broken the ice on the edge of the water and swam across the Cape Fear to preach the gospel to you, and if in my last hour I could trust to that, or to anything else but Christ crucified, for my salvation, all should be lost and my soul perish forever." Of these words Bishop Capers said simply and justly that they were worthy of St. Paul.

The early experience of the Methodists in Raleigh is also interesting. Here the negroes constituted a large part of the congregation. When the church was built they contributed their part and they were assigned seats in the gallery. Later an opportunity was given for them to buy a church of their own. Both blacks and whites worked to get money together until the scheme was consummated. When the slaves moved into their own building there was a two-fold rejoicing; by the blacks because they had a building of their own, by the whites because the negroes were out of the building of the whites. The negro church now became a negro mission, and was served by a white preacher assigned by the North Carolina Conference. It was the custom to send some old preacher of great kindness and usually of very good ability to the work. The negroes were very devoted to their preacher, and I have been told showed their appreciation by frequent presents of such articles as pies, cakes and socks. The white members of the churches were still interested in the negroes and exercised a kind of oversight over them, attending their meetings and teaching in their Sunday schools.

On the plantations negroes usually joined the neighboring churches. Owners of some of the large plantations in the East used to unite and pay the salary of some preacher whom the Conference would send them. In such a case the negro church would be made an appointment on a circuit and would have preaching once a month as other places. In the Cape Fear region early in the century I find that one or more missions to the slaves appear on the list of assignments. This means probably that a preacher had several charges composed of negroes and covering a large area. Such a plan was feasible only in the East where slaves were more numerous.

I cannot close without saying just one word that a study of this part of our Methodist history brings to my mind. If we found it wise in the days of slavery actively to superintend the religious instruction of the negroes, would it not be wise now for us, as a church, to give some careful oversight and aid to him? Perhaps our entire separation from him may have been justified in the days of reconstruction, when there was much mutual distrust between the races; but no such a justification seems now to exist. This is not the place or time to make an argument on this point; but I trust that you may feel enough interest in it to endeavor to determine for yourselves. We are our brother's keepers. The black man is our brother and will remain so. To him our church has a duty. Does it perform it by letting him alone?

COURT SYSTEM OF NORTH CAROLINA BEFORE THE REVOLUTION.

BY S. A. STEWART.

In studying the development of a people nothing is more helpful than a correct understanding of their system of judicature, for here we not only learn their methods of administering justice, but, at the same time, we get an insight into their conception of *justice* itself. There is no question of government more vital to the individual than the mode in which the authority of that government is to be administered. There is hardly another function of government that touches the citizen at a point quite so delicate as the institution which passes judgment upon his deeds and intentions. Hence we find that all peoples at all times have demanded a satisfactory and, to their minds, a fair system of meting out justice to both offender and offended. "Equality before the law" is not alone a plea for an equal voice in selecting the rulers and legislators who are to make the laws, but it is also a plea for an indiscriminating law, applying indiscriminately to rich and poor, bond and free, to be administered by an impartial hand, not without a certain "fear and trembling," yet with a boldness and fidelity becoming a man robed with authority. I say the people not only demand that the laws be impartial, but that the courts in which those laws are to be interpreted and applied be such as will insure fair play to all those bringing suits therein. Thus it is that a knowledge of the court system of a people comes to have such wide significance and suggestiveness.

To treat adequately and explicitly a subject like the one in hand is quite a difficult task on account of general confusion, and in some cases actual lack of certain important records, and on account, also, of a direful want of co-ordination in the system. Different things were tried at different places and times as the exigencies of the case

might demand. The reader should also bear in mind two other points: first, that the amount of territory occupied in early colonial days was very small, and a system of judicature adapted to the narrow limits of a small province would, of necessity, have to be remodeled and enlarged to meet the demands of an expanding settlement; and secondly, that all our institutions were merely attempted adaptations of English institutions to our conditions, consequently many were superfluous and many were unsuited and *unsuitable* to a widely dispersed population occupying an undeveloped country.

With these introductory remarks I am prepared to enter upon my task which is, not to trace all the changes, giving the minute details and dates, but rather, to give a summary, of the Court Systems of North Carolina prior to the Revolutionary war. And it will greatly aid the mind in getting hold of the facts if we divide it into two periods, the first extending up to the close of the proprietary regime in 1729, and the other continuing it to the breaking out of the war.

THE GENERAL COURT.

For more than a quarter of a century, embracing the early history of North Carolina, the judicial functions of government, as well as the legislative and executive, were exercised by the Governor and his Council. This we know from the fact that to the "Governor and Council in time of court" were granted thirty pounds of tobacco in each action. It seems that they combined the powers of both law and chancery courts of England. In 1665 authority was granted the Governor and Council to establish what courts might be found necessary. About the same time the province was divided into precincts for the purpose of electing representatives to the Assembly. The same process made the precinct the territorial basis of a new court—the precinct court. Certain functions were taken from

the one previous tribunal and given to the precinct courts. The older tribunal became an appellate court, known as the General Court. It was the forerunner of our present Supreme Court. The Governor and Council continued to hold this court till near the close of the century, when they appointed Justices for the purpose. Just when the change took effect is hard to say, but we know that in the year 1695 Samuel Swann, William Glover, and John Hawkins held the General Court. Another step was taken in 1713, when Christopher Gale received a commission direct from the Lords Proprietors, making him Chief Justice. The number of Associates varied, there being but two in 1713, while in 1716 there were ten. These Associate Justices were equal in authority with the Chief Justice, but in 1718 it was ordered that no court should be held without the latter dignitary being present. These changes mark the chief steps of the development of this court under the proprietary regime.

The authority of this court seems to have been commensurate, on the one hand, with the courts of King's Bench, Common Pleas, and Exchequer; and on the other, with the courts of General Session of the Peace, Oyer and Terminer, and General Gaol Delivery. Its jurisdiction extended territorially over the entire province; but its legal authority was limited chiefly to cases appealed to it from inferior courts, and to cases whose participants were citizens of different districts, and also to civil cases involving more than a certain legally fixed sum, usually fifty pounds. This court also exercised certain non-judicial functions, such as the general supervision of the roads of the province, the regulation of fare and the appointment of ferrymen; and sometimes, when so directed by the Assembly, it apportioned the taxes and ordered the payment of the public indebtedness.

An appeal might be taken from the decision of this court to the King. But before going to the King the

evidence had to be sent from the General Court to the Governor and Council. A day was set for a rehearing, and this body either approved or reversed the decision of the General Court. But it might be carried to the King if either party was still dissatisfied; provided, however, that the party continuing the suit incur the expense of the same, and provided further, that the case so appealed be one involving no less than five hundred pounds. These restrictions practically did away with appeals to the Crown.

The executive officer of this court was the Provost Marshal of the Province. He was appointed by the Governor and Council. It was his duty not only to execute the orders of the General Court, but to summon jurymen and preserve order during the convening of court. He also appointed his deputies to serve the Precinct Courts as he served the General Court. This formed a network of individuals who were in close communication with each other, and through them notice could be given the people of the convening of the assembly, or of an election to be held for members of the Assembly, and of other things of like importance. Another officer of this court was the Clerk, appointed by the Chief Justice, whose duty it was to act as scribe for the court. In 1679 appeared the first Attorney-General in the person of George Durant. He received his commission, as it appears, from the Governor and Council.

THE PRECINCT COURT.

This court, as we have already noted, came into existence about 1665 or 1670. It was held by several justices of the peace in joint session, one of whom was usually denominated Judge. Frequent sessions of this court were held, although the number in different precincts varies. Probably, like most other things, its sittings were influenced somewhat by the law of supply and demand, especially by the latter. Likewise the number of justices

in different precincts varied, and no doubt for the same reason. As there were no court-houses to be found prior to 1722, these courts were held at private residences that happened to be convenient and suitable for the purpose.

The territory of jurisdiction of this court was the precinct. Its scope of authority underwent many changes from time to time, but only the more important points are here desired and these may be briefly summarized. In criminal causes its authority extended to all offences not punishable with life, limb or estate; and in civil causes to suits involving more than forty shillings and less than fifty pounds. This court might punish by "fines, amercements, forfeitures, or otherwise."

Like a Board of Commissioners at the present day, this court had charge of many matters of public concern. It might take the probate of wills, and receive entries of land. It also fulfilled the functions of the English Orphan's Court, appointing guardians and binding orphans as apprentices. It looked after the general management, (opening and repairing roads, building bridges and appointing overseers) of the public highways of the precinct. Furthermore, it supervised the administration on estates, appointed constables, and granted franchises for building mills. etc. The fact is, it formed the chief centre of local government in North Carolina during this early period.

The decrees of this court were executed by an officer called in early times provost-marshal, but later he came to be called *sheriff*. He was a deputy of the Provost-Marshal of the General Court and in general sustained the same relation to the Precinct Court as the latter did to the General Court. It was a part of his duty to summon jurymen, which was done in much the same way as at present. There was also a Clerk whose business it was to keep and transcribe the minutes of the meetings of the court. Attorneys, of course, took part in the trial of cases, and in early Proprietary times there was a practice of allowing advocates, men not bred to the law, to use this court as a

kind of practice ground. But an end was put to this kind of thing by an order of the General Court forbidding any person to act as attorney-at-law in the province save such as had been licenced by the Chief Justice and Judges of that court.

On the last day of any session of this court the clerk was required to read in open court the minutes of all the proceedings. After all errors had been duly corrected, and the document had been signed by the justices, it was declared *the record of the court*.

JUSTICE OF THE PEACE COURTS.

The first record we have of this court was in Perquimans County in 1679. These officers were given quite an extended range in which to display other magisterial powers, being authorized to inquire by the oaths of good and lawful men of the precinct aforesaid, by whom the truth may be known of all and all manner of felonies, witchcraft, enchantments, sorceries, magic arts, trespasses, forestallings, regratings, and extortions whatsoever." Usually their jurisdiction in civil cases did not extend to cases involving more than forty shillings.

These magistrates must have been appointed by the Governor and Council, for we find an enactment which boldly affirms that "it has always been the custom, time out of mind, for the Governor and Commander-in-chief to appoint all officers in this government, by and with the consent of the major part of the council."

The executive officer of this court was the constable, appointed annually by the justices of the precinct court, and invested with like powers and authorities as were the constables in England.

CHANCERY, ADMIRALTY AND SLAVERY COURTS.

The three courts above mentioned constituted the chief agencies for the administration of justice, but there were three other courts of secondary importance. These courts, it would

seem, were instituted not so much because of any actual need of them, as because similar courts existed in the mother country, but because of the additional fact that they furnished more offices to be filled by the friends and kinsfolk of the Lords Proprietors.

The first of these to be mentioned is the Court of Chancery. This was, as in England, a Court of equity. Its duties do not seem to be either numerous or difficult. "The Governor and the members of his Majesty's Council are the judges of this court," and the presence of the Governor and at least five members of the Council are essential to its sittings. "The Governor may hold court when and where he pleases although it is seldom held oftener than twice a year."

When the General Court was created, the chancery jurisdiction still remained in the hands of the Governor and Council. But other functions were added to these. Wills were proved before it, executor's accounts were received by it, and lands were divided by it, and occasionally we find it hearing charges against citizens, or against officers for misconduct in office.

The second is the Admiralty Court, which consisted of a Judge, a Register, a Marshal and an Advocate. The purpose of the court was to enforce the acts of trade. Previous to 1698, the duties of this court devolved upon the common law courts. In this year, however, North Carolina was attached to Virginia and the one tribunal served both states. But this arrangement did not last, and early in the next century the colony had its own Admiralty Court. This court was not only similar to the Admiralty Court of England, but was an actual offspring of it. Its officers were appointed by it, and to it reports must be made.

The third of this group of courts was the court for the trial of slaves. For slaves to be required to lie in prison for months at a time would entail too much loss of time and labor on their owners, and so a special court was established for the speedy trial of these slave criminals. It

was rather a commission and was composed of three justices of the of the Precinct Court and three slave-owning free-holders. The magistrate whose commission was oldest, determined the time and place of meeting. After hearing the facts in the case the court had power to pass sentence extending to life or members; or it might inflict any corporal punishment short of this. It might also command the proper officer of the law to execute its sentence.

COURTS IN THE ROYAL PERIOD.

Such in general were the courts in North Carolina at the end of the proprietary government, and such they continued for several years thereafter. The change of the Colonial government from proprietary to royal had very little effect upon the courts. Only such changes were made from time to time as circumstances demanded. It now remains for us to note a few of the more important of these changes that were made prior to the beginning of the Revolution.

The first one of importance occurred in 1738. An act was passed "by his Excellency Gabriel Johnston, Esq., Governor, by and with the consent of his Majesty's Council, and the General Assembly of this province," abolishing the Provost-Marshals of the Province and appointing instead a Sheriff in each *County*. Three Justices of the Peace in each county must be recommended biennially to the Governor by the court of the county, who must be "most fit and able to execute the office of Sheriff for their respective counties." The Governor appointed the *one* that to him seemed "meet for the office," and he served the next two ensuing years." The same act changed the name Precinct to County, and the old Precinct Court became the County Court, but its organization and functions remained the same in essence as they had been.

The next change of interest came in 1746 when there was a general revision of the courts. At this time it was enacted that the Court of Chancery, and the Supreme or

General Court shall be held and kept at the town of "Newbern." But the same act created a new court, "a Court of Assize, *Oyer* and *Terminer*, and General Delivery." This court was to be held twice a year by the Chief Justice and Attorney General at each of the following places: "at Edenton in Chowan County, at Wilmington in New-Hanover County, and at the court house in Edgecomb County." Thus the State was divided into three judicial districts. The number of districts was increased from time to time as occasion demanded, and it came to be called the Circuit Court, and finally the Superior Court. It should be noted that it was a *splitting off* of certain of the functions of the General Court leaving it to be the Supreme Appellate Court of the State. This latter Court continued to meet twice a year at Newbern.

"And for the better establishing of the County Courts" it was enacted that they should be held four times in each year, and that the Justices of the Peace "shall have power and authority, as amply and fully, to all intents and purposes as Justices of the Peace in the Counties in England as well out of their Court of Quarter Sessions, as within, to preserve, maintain, and keep the peace within their respective Counties."

This system of courts continued without material change till the opening of the war. The great weakness of the whole system was its instability. The court laws were temporary and on account of political disputes between the assembly and the Governor their existence was generally limited to a certain specified period, usually two years.

This led to frequent legislation with its consequent agitations and discussions regarding courts and court systems. But this was greatly remedied in the closing years of Governor Tryon's administration. In 1768, the court question was again taken up, and, while the general features of the system were left unaltered, the duration of the same was extended to five years instead of two, as formerly.

WILLIAM H. BRANSON.

BY JNO. C. KILGO.

Very few American families can trace their ancestry beyond three or four generations. This is due to the lack of a historical spirit among the early settlers of a country. They make no records, and only vague traditions carry their histories down to other generations. When the Branson family came to America cannot be accurately determined. It is, however, certain that early in the eighteenth century Thomas Branson came from England and settled in Chatham county, N. C. This makes the Branson family one of the old families of North Carolina, and identifies them with all the periods of the State's growth.

William Henry Branson belonged to the fifth generation from Thomas Branson. William's father was named Thomas, doubtless for the original Branson, and was born in Randolph county, near Asheboro, in the year 1800. For four generations the Branson family remained in this section of the State, a fact which indicates an indisposition to rove from point to point in search of easier fortunes.

Thomas Branson, the father of William H. Branson, was twice married; the first time to Miss Mary Lewellyn, the second time to Mrs. Prescott, who was a Miss Buck. William was the only child by this second wife. He was born near Cedar Falls, Randolph county, May 23, 1860. His father was a blacksmith, a vocation of large importance in the first half of the nineteenth century. The blacksmith was then a manufacturer, making not only all the implements of farming, but all the pieces of iron furniture in the best homes. Longfellow's "Village Blacksmith" commemorates the true dignity and character of the hero of the anvil. So Thomas Branson was a central figure in the industry of his community. He is described as a man with a large and erect frame, strong intellect, and

noble character. He was a man of deep convictions, and held to them with unshaken fidelity; he was energetic and honest in all business transactions, while his genial nature drew about him a host of friends. One who knew him said, "Never was there a more upright man than Thomas Branson." His second wife was a woman of genial nature, and very full of energy. Their only son, William Henry, got a good start in his parents, and his record fully sustained their character in the larger world of activity to which he belonged.

Thomas Branson died when William was very young. This, joined with the extremely poor educational facilities, gave young William no opportunity to attend any other than a local school. Nevertheless, he succeeded in grasping the principles of arithmetic before he was twelve years old, for he never attended school after that age. Nature had endowed him with large mental powers, and from the earliest he seemed to have superior control over his faculties of mind. Young men who cite such instances to defend their indifference to educational opportunities, should first be sure that nature has extended to them such a beneficent hand as it held out to him. He not only had faculties, but they had impetus, and he was always learning. Minds run down, and growth is arrested, but he had the genius of endless growth.

His half sister, Miss Jennie Prescott, married Mr. J. A. Odell, a merchant in the town of Greensboro, N. C. At the age of twelve he went to live with them as a member of the family. This was a new era in William's life. Mr. Odell is not only a man of stalwart character, but his business genius puts him among the business leaders of the South Atlantic States. Young Branson had the life of this man to touch him from the intimate relation of the home at his most impressible age. This may be called good fortune by some men; it was destiny to William Branson. He went into the Odell home, and the Odell

home went into him. He worked in the store as a clerk, and developed his powers to deal with large and varied classes of men. A young boy behind the counter of a busy store is not in the poorest school. To succeed as a clerk requires energetic study and large self-control. William succeeded.

He did not receive a salary for the first four years. He was a member of the Odell home, and was cared for as a son. His fidelity to the home relations was so marked that his sister was never forced to punish him. Mr. and Mrs. Odell always knew his plans, and as long as he was with them, he never left the home without their knowledge and approval. To him manliness and honor were inseparable, and freedom was obedience to duty and truth. It is no surprise that the confidence which grew up in those years never diminished in later years.

William was sixteen years old when the Centennial Exhibition came on in Philadelphia. Mr. Odell, as an expression of appreciation of him and his work, took him to Philadelphia. This opportunity to look out on the world and feel the throb of its energy and genius, meant much to this lad of sixteen years. He did not return home the same boy; he did not live again in the same world; he came back a larger boy in a larger world. The country school in Randolph county, the Odell home and store, and the trip to Philadelphia, and at the same time a short visit to New York, were the schools in which William H. Branson was educated. In the first, he gained access to books; in the second, access to business and society; in the third, access to the impulses of the world. These three attainments in the possession of a highly endowed man aggregated no small capital with which to begin life.

When William returned to Greensboro from Philadelphia he had his wardrobe and fifteen cents in cash. From this time he became an employee of Mr. Odell on a salary

of fifteen dollars a month. Thus he entered on his business career. In this day of restless youth, impatient for a rapid rise to easy and lucrative positions, the history of William H. Branson is a sharp reproof. He began at what men call the "bottom round," not because those who loved him could not have elevated him at once to a higher position, but because their wisdom suggested a better plan. Men rule best who have served most faithfully in every sphere to be ruled. Young Cornelius Vanderbilt is a common laborer in the shops of the New York Central Railroad in order that he may be a better president of the system. Rapid progress means early bankruptcy, and against this calamity young Branson was trained. As the years passed his salary grew, so having learned to live on a small salary, he knew how to save from a larger one. The best product of education is the control that it gives a man of all the powers of his nature. To think accurately is not enough. Unless a man can master his moral desires, high thinking will prove to be disastrous thinking. William Branson had been trained to deny useless desires, and he was no longer in the way of his own success.

At the organization of the Durham Cotton Mill, in 1884, Mr. J. A. Odell was elected President, and William H. Branson was chosen Secretary and Treasurer. Young Branson was practically placed at the head of this new enterprise, for through him Mr. Odell directed the business. At this time the cotton manufacturing interest entered on the period of expansion in the South Atlantic States. The growth was rapid, but the fact that untrained men were necessarily placed at the head of new mills, made it a critical period. Not only were new markets to be opened and new business affiliations formed, but unexperienced labor was to be trained, and new social relations were to be adjusted. It was into the midst of these problems that Mr. Branson was suddenly thrown. He met them with an assuring faith. He was born to lead

men. He knew how to plan a work, and to organize and inspire his forces. No crisis could throw him into a spasm of excitement, but he was calmest when the ordinary man was most excited. During the business panic of the first years of this decade, he showed no timidity, but maintained that stability which alone can secure the integrity of business. Business genius is rare enough, and great enough to command the admiration of all true men, and only a moral quackery discounts it. It is as foolish to think that every man can build or control large business enterprises, as it is to expect every man to write Shakespere's Hamlet, or Goethe's Faust. This talent belongs to the few, just as the poetic genius is a rare talent. Too much may be attributed to opportunity, or so-called "good fortune," but the real opportunity is the man. The modern teachers of economy rest their hopes too much in natural agencies, expecting to produce wealth by changing circumstances. The problem is to be solved in the man, not in the conditions, for the man who lacks the power to control circumstances, lacks the very element of success. Mr. Branson did not wait for times to change and conditions to become better, he changed the conditions. The real leader of men will never lack men to lead. By the force of moral energy the public mind moves about him as an appointed center. He seeks nothing; everything seeks him. The large number of enterprises that sought the fostering care of Mr. Branson illustrates the truthfulness of the statement. He was a Trustee of Trinity College, a Member of the Executive Committee of Trinity College, Trustee of Greensboro Female College, Director of the Fidelity Bank, Secretary and Treasurer of Durham Cotton Mill and Pearl Cotton Mill, Director of the Durham and Oxford Railroad, Director of Odell Manufacturing Company, Treasurer of the Joint Board of Finance of the North Carolina Conference, Steward of Carr Church, a Trustee of Church property, and associated in some way with various

other institutions. These were not honorary positions, but enterprises which sought the wise direction of this strong man. So they were to him responsibilities, and got from his closest study and faithful direction. In the meetings of these Boards he was always active. Mr. Branson's success as a business man cannot be attributed to any one element of character. He was a man whose faculties compassed large and varied spheres, so that he put into his plans ideas gathered from many points of view, and protected on every side.

Men who have large aptitudes for business rarely develop social tastes. There is an antagonism between the two spheres, and only men of great adaptability can so harmonize them as to make them serve each other. The business man regards a social occasion as a waste of time, and when forced into a social assembly, finds himself cramped and vexed. Close calculations and stern facts injure, if they do not destroy, those sentiments upon which society rests. The loss of faculties is a common calamity, especially the more unselfish faculties that cannot be traded in the markets. Mr. Branson was an exception to this rule. He could lay aside the calculations of the office, dismiss from his mind the conditions of the market, shut out the roar of machinery, and throw himself with genial enthusiasm into a lawn party of his little girl, or a social function of largest proportions. He was not dragged into these; he had a highly developed social nature. Three things made him social. He was naturally a man of deep and refined sympathies, and could not, therefore, find his life's satisfaction in himself. The second cause is found in the genial associations of the Odell home. In it he had his natural social sentiments trained and gratified. The third cause was a happy marriage. December 17, 1885, he was married to Miss Clara Sargent, of Greensboro, N. C. Two lives may make one great life, or they may destroy each other. The union in

married life is not a legal agreement, to which society sets its approval. It is a mystical unity, where two thoughts and two impulses so fuse into each other as to consume all separate identity in a new and larger expression. This, and this alone, is marriage. Legal contracts and ecclesiastical ceremonies cannot so unite what nature has forever divorced. The law of congeniality is as rigid as the law of gravity, and ruin can only come from an attempt to reverse it. Forced nature is wrecked history. *William Branson and Clara Sargent were married.* She was to him the ideal woman. Genial, sympathetic, loving, and faithful, she was to him a poem, the passion of whose movement was a divine impulse, keeping alive the diviner sides of his nature. With him, she could never degenerate into a soft social show; with her, he could never become a hardened man of the market. Society is at its best, or its worst, in the home. In this house it was at its best. Mr. Branson had his business day, but when that ended he gave himself to his family. The city of Durham will not forget the evening rides he took with his family. The sight was a sermon on "how to love and how to be loved." Little William, his only son, was sent to the home of a neighbor on the morning of the accident that robbed him of a father, and was not allowed to return home till night. He was brought into his mother's room just at the hour of the day when the family circle was at its best. The little fellow at a moment felt the distress of his father's absence, and his first utterance was, "Mamma, where is papa?" His little life had its joys in the hours of a father's presence in the home. Little Annie's parties, his wife's social occasions, companionship with his friends, and the annual social functions of Trinity College, all received his best contributions of joy and gladness.

His social nature did him great service in his business relations. It not only gave him ready access to the sympathies of men with whom he had transactions, but it saved

his business plans and methods from the monotony of hard and cold mechanism. Between the manager and the laborer there must be something more than a contract. Otherwise, trickery and suspicions arise that hinder, if they do not ruin, an enterprise. Legislation can do very little, if it can do anything, to prevent friction between capital and labor. Likely, it has created more friction than it has prevented. The friction has its rise in that margin which lies outside of legal control, a sphere which modern sociologists have ignored. There must be a point of personal contact between labor and capital, and no increase in wages will ever act as a substitute for this personal and moral bond. Labor wants the inspiration of personal regard; capital wants the assurance of personal confidence. The necessity is a common necessity. Mr. Branson solved the problem, just as very many other wise men have solved it. He touched the lives of those who worked under him with a sincere sympathy and regard. He did not patronize them, as he did not patronize any man. He never called them his "operatives," "hands" or "laborers," but "our people." This was not a conventionalism, for he held them in the high esteem of kinship, and never met them on any other basis. The entire community organized around him with perfect confidence. Free himself from the feelings of lordship, they were free from the sense of serfdom. Friction is not possible under such conditions, and the sorrow of "our people" when this man was smitten down, attested the wisdom and sincerity of his leadership.

When Mr. Branson was seventeen years old he was converted at a meeting held in West Market Methodist church, in Greensboro, N. C. At the same time he joined the Methodist church. His parents were Methodists, and his associations after he left the home of his mother, preserved in him the faith of the household. He was never a bad boy, and knew nothing of "sowing wild oats," an expression used to apologize for the unnecessary sins of

youth. The most intimate companion of his boyhood tells with joy that he never heard young Branson use an impure word, or relate an unclean joke. Upon this foundation of purity and integrity rested his faith in the power of Christ to save him. Into his church membership he put all of his energies. He was a great churchman, studying the doctrines and polity of his church, and using his knowledge for its best interests. He was no bigot, but he was loyal at all times to the church of his choice. In every matter affecting the work of his church, he supported an aggressive policy, and took a broad view of every movement. With the ethics of narrow and selfish men he had no sympathy. Though young, he was one of the most potent factors in the North Carolina Conference. In his own church, his pastor found him an ideal layman, true to his vows, active in all church work, and the center of greatest influence. He was not only active in the business of the church, but in revival services gave his energies to the one work of saving his fellowman. As treasurer of the Joint Board of Finance the entire financial work of the year in the North Carolina Conference passed under his review. He was always present at the sessions of the Conference, never allowing business to keep him away, or to call him home before his work was finished. No man ever heard him complain that the church work interfered with his business. He did not carry his factories to the Conference sessions, and did not fret to return to them. Such fidelity commands confidence, and his church was glad to honor him. Some men use church honors for selfish ends, and seek them for distant aims. Mr. Branson sought nothing; everything sought him. Twice he was a member of the General Conference; the first time at the session of 1894, in Memphis, Tennessee, and as an alternate in the last session, which met in Baltimore, Maryland, May, 1898. In this body he was an important legislator. Broad-minded, aggressive, and wise, he threw his influence where

he judged best for the life and progress of the church. His faith could not be disturbed by those alarmists whose mental horizons were tortured with imaginary storms. "Their wild dreams do not disturb me," he would say. "Our Bishops are wise and godly men and we can risk them," was fundamental with him. Some men are monumental characters whose records impart assurance and give great stability to cardinal truth. In the church, William H. Branson was such a character.

He was a true man. His appearance spoke out the magnificence of his character. Tall and erect, weighing nearly two hundred pounds, with a large head, broad brow, bright and expressive eye, strong features, and noble movement, he was the embodiment of high honor and noble impulses. He had the model figure of a hero. God does not build such temples in which to house bats; the occupant of such a divine structure has exalted rights which, if obeyed, makes him God's nobleman. William H. Branson obeyed them. He was just reaching up to that period of life when everything is full of glad prophecies. All the years of his life were years of apparent preparation, and his friends rejoiced that the depth and breadth of the foundation measured an immense future. In the glow of these hopes, death came to him while he was in the path of duty, the only path in which he ever made a foot-print. A darker shadow never fell on any community than the one that came to the city of Durham when, on the seventh day of April, 1899, William H. Branson, by a fearful accident, was taken away. In him seemed to be unborn history. It will have its birth in higher realms, for there is no cessation of life. Noble powers may not have sufficient time in this life, they will get it in the life beyond.

A SANER CITIZENSHIP.

ADDRESS BY JUDGE HENRY G. CONNOR

On the occasion of the first annual Civic Celebration of the Trinity College Historical Society, February 22, 1899.

(Stenographically Reported by D. W. Newsom.)

Ladies and Gentlemen:

When, at the conclusion of the last political struggle in this State I came out of it somewhat the worse for wear, I was in a frame of mind which made me willing to accept an invitation to do almost anything that looked to the welfare of North Carolina and her people. It did not occur to me when the kind invitation came, that in the discharge of the duty of this hour I should find myself wearied in mind and body, by the duties of the Speakership of the House of Representatives. If so, I should not have taken advantage of the invitation of the President of your Historical Association to impose my thoughts upon you. But I have in the past forty days lived in an atmosphere in which a great deal has been said about the keeping of pledges and promises—a most convenient thing for politicians to do or not to do, according as the exigencies of the times, and the political outlook may suggest to the prudent. I am reminded that “boys make men,” and we men to-day are interested in how the boys are going to think and act. I am not announcing myself as candidate for any office, but want to say a word in season. I have found it very prudent about my own household, not to make promises unless I intended to keep them. I bring to you a message, and trust that you will pass my imperfections by, in regard to the manner of its delivery, in consideration of what I have been endeavoring to do for the welfare of the State.

It is a subject of congratulation to me, as to every citizen of North Carolina, that this institution, under the guidance of these able and zealous gentlemen who so well

lead you in the paths of knowledge and fit you for the duties of citizenship, has established this Society and has inaugurated a series of exercises upon this day. I shall not undertake to indulge in any eulogium upon the father of our country—a subject which has not been exhausted, because it is inexhaustible—but I shall undertake to present to you some thoughts suggested by the example of this gentleman and citizen. The words given you in his message, which has just been read, present him to you in a far better manner than I can do, but we are reminded upon this day when we consider the life, services and example of George Washington, that the heritage which he left us was not only one conferring great rights and privileges but imposing responsibilities and duties. It is the part of wisdom, where one is the inheritor of these, to seek for, and learn to discharge, those duties. It has occurred to me that it would not be an entire waste of this hour, to talk about the demands, the needs and the necessities of North Carolina in a special sense, and of our country in a larger and more general sense, of the coming generation, of the boys who are soon to be men. We are living in a most interesting, I will not say “the” most interesting, age; and it may be that when the history of these days is written, unprejudiced historians will tell our children that we did live in one of the most important periods of the world’s history. We have passed through one of the centuries filled to overflowing with important events, respecting the welfare of the human race. But what the coming century has for us will depend, in a very large measure, speaking from a human standpoint, upon the lessons which we learn from the past and present, and the manner in which we use those lessons, in the discharge of those duties which will come to us in the near future. There can be no question that the political, social, and industrial conditions which demand our attention as citizens, do call for and demand a sane—that is, healthy, strong, type of civic virtue

and manhood. Civilization is but the result of those forces, social, intellectual, and political, which are constantly working out their results, using human agencies as the factors in the problem. That these forces have culminated and brought forth in these the last years of this century, conditions of exceeding interest and importance, no thoughtful man can fail to see. It forces itself upon the attention of all thoughtful men. The first requisite for a good citizen is that he shall be healthy-minded, that he shall be sane, that he shall not be insane or unhealthy. I think it is Carlyle who says, in speaking of Scott, that he was of all men the "healthiest-minded." That is, he had that type of mind and character which took a sound, sane, healthy view of life, its duties, responsibilities, and problems. He says that to be healthy-minded is no small thing. It has sometimes occurred to me that many of the political evils which come to us, and prevent the logical working out of the political forces by which we are surrounded, are brought about by a want of a healthy-minded citizenship, a failure on the part of the citizen to take in the entire situation. A man must not simply look at one side of a problem. That is what we call small politics. There are some who have been in our General Assemblies, if not in the one now in Raleigh, who imagine that every time they vote upon some little measure, for instance, whether the Clerk of the Superior Court shall have twenty-five or fifteen cents for some services, his whole political future is involved. To see these men talking at white heat upon such matters is amusing. Now that is what I call unhealthy-minded citizenship; men who permit their minds to be distracted in dealing with large problems by such influences are not healthy-minded, they are affected too largely by the small things. The truly healthy-minded man enjoys all his surroundings and conditions, because his body is in a healthy condition, and he breathes the pure air and all which comes with it, and he gets life and

beauty and happiness out of it. So the healthy-minded man morally, as I believe Mr. Drummond says, is "in correspondence with his environments." Now the thing to do is to get in a healthy environment and then get in sympathy with it. This is what we need in North Carolina, because, as I said, we have passed through a period in which there has been great disturbance, in which conditions have been such that the healthy laws of political life have not been permitted to operate, or their operation has been disturbed. I am not going to talk to you about any practical political questions. That the political development of affairs in North Carolina has been disturbed by conditions, and I think, to a very large extent, by some very unhealthy conditions, is beyond controversy.

We have reached a period in the political development of North Carolina, when the people have said that they desire to get upon a healthier basis; and to do so, it is necessary that some very important changes be made in their laws, both statutory and organic. These changes are going to impose upon the citizen a degree of responsibility, and upon you young men, duties and responsibilities which will demand the exercise of your very highest faculties. One of the first questions for a healthy-minded citizen to ask, is whether a proposed measure is right. That is the first question which a healthy-mind asks itself. Too often it has been the case in the past that this question has been passed by. Too many simply ask whether it is expedient. Undoubtedly, conditions have existed among us which *have* prevented, I do not say *ought* to have prevented, the best and freest exercise of the highest type of citizenship. We who are living factors in North Carolina, hope that by our efforts, and by the endorsement of the great mass of people of North Carolina, we may present to you, when you shall enter upon the stage of life, conditions which shall enable you, and shall demand of you, that you shall never answer a question

in regard to your political duty in respect to its expediency.

As we all know, this question has given grave concern, and been a disturbing factor in the development of a healthy and sane and civic mind in North Carolina. In obedience to what we understand to be the will of the people of North Carolina, we are seeking to get rid of that disturbing factor. Till we do it, past experience has taught us that it is not possible to give free play to the best type of citizenship in the State. If we shall succeed in the effort there will come to the white man of North Carolina, having put this thing away from them, responsibilities which will call for the very highest, sanest, strongest type of citizenship and manhood. I would impress upon you young men, I would impress upon your minds and hearts, that you must learn and begin now to understand, appreciate, and strengthen yourselves for the discharge of those duties which will come to you when you shall have in your keeping the manhood, reputation, and character of North Carolina; when the political antagonism between the two races shall have disappeared, as I most firmly believe it will do, believing that in my effort to bring it about I am acting from the highest patriotic motives, and without any reward for any party views in this matter, but looking at it as a man and citizen. When done we can no longer excuse ourselves from discharging our duties in regard to the Negroes of the State, but we must meet the responsibilities like men, like sane, sound, virtuous-minded citizens. A man who has no higher conception of what "white supremacy" means in North Carolina than the subordination of an inferior race to the superior is an unpatriotic citizen. It is not for any such purpose that I tell you that for night after night, till past midnight, the best thought of the Assembly of North Carolina has gathered together and worked and struggled to bring about this result, and I trust that the people of North Carolina, and especially the young man-

hood of North Carolina, will not so understand it. When we present to the people an opportunity to remove this disturbing factor from them we at the same time present to them the demand to take with this deliverance a sense of responsibility for these people. This is one respect in which those conditions which are soon to come upon us demand a high order of sane citizenship—to deal justly and rightly with these people, to see that their rights are protected. And by so doing we strengthen ourselves. The whole philosophy lies in this, that in constant antagonism and struggling for supremacy, the worst of both races is brought into play, but by removing this condition, the highest, best and purest motives of both races will be given play and operation. We trust to the young manhood of North Carolina that we shall not be disappointed.

The next subject which engages my mind on this line of thought is this: I believe that the Rip Van Winkleism, with which North Carolina has been twitted, is a thing of the past. If you observe the tendency and the signs of the times in North Carolina, and in keeping with the entire nation, we are on the eve of a great forward movement in the development of industries and in the accumulation of wealth. The carrying of our commerce into all parts of the world, the unbridling and loosing of American commerce and going into the markets of the world to compete with all other nations and peoples, is to my mind one of the brightest signs of the times. I have longed to see the day when commercial slavery should be ended; I believe that the very highest type of manhood is produced by the freest possible play of those faculties with which God has endowed man, so I believe in a community sense, the highest and best in the community, state, and nation, is brought about by the freest possible play of those forces which build up and make a grand and glorious people. Were it in my power I would raze every custom house in the world. They have been the barriers of Christian civil-

ization, done more to delay the time when there shall be a common brotherhood among all the peoples of the world, to retard the development of the human race, to bring about wars and strife, to develop selfishness, and to cause a thousand other obstacles to the highest development of the peoples of this world. I think I see in the signs of the times a removal of these barriers, and as this comes about you are going to find that right here among us, and I see it every day, I see it when sitting in the speaker's chair in Raleigh, when bills are sent from every section of the state, asking us to charter industrial corporations and make the waters do service, to give to the state opportunity to develop its great resources. Now this condition of things is going to bring about a demand that we shall regulate and practically control this new development, this new spirit of enterprise and progress in North Carolina. Nothing that is good should be obstructed, but we know that some times it happens that the very highest aspirations of man have to be guided with discretion, because something is said to us about a zeal that is without knowledge. Therefore it becomes the duty of a sane, sound citizen in North Carolina, to deal wisely with these forces. To thwart or to hinder the development of the state by legislation, to say to the young man whose mind is active, who sees in the river that he passes along in the forest that surrounds his home, an opportunity for usefulness in the acquisition of wealth, that we will not encourage him, to stifle that ambition, is unwise. We should see to it that it develops along healthy, sound lines, that shall work out the highest and best results.

Freedom is defined somewhat like this: It is the right to exercise ones faculties, to do those things which one has a right to do, and in doing them not to interfere with others' rights to exercise like faculties. When you get that condition of things, then you have a Utopia, when every man can move along in harmonious relation with

every other man, working his destiny and reaching out for the highest and best results of his labors, without doing any injury or injustice to any other man. Then you have a sane, sound, political condition, and it is to that end we should strive. In doing that you find a great many disturbing elements.

In the first place, when you go out and begin your life work, you will find a great many people who are always believing that the country is about ruined, that this or that particular industry is overdone, that this or that thing don't pay. These croakers who go about complaining because, forsooth, they have not put in enough industry or skill, have not been willing to fit themselves to discharge the duties of life, that therefore it can't be done. They are unhealthy, or sickly people. A healthy-minded, healthy-bodied young man who has built up for himself a strong, vigorous body, and strong mental, or moral calibre, should not be discouraged by them. I have been hearing about this old state being on the down grade ever since I was 21 years old. In the town in which I live I have heard it prophesied year after year that the town had outgrown itself and was not going to grow any more. I have some friends there who thought that real estate had reached the very highest value years ago. Yet it is higher to-day, worth more, more folks want it, is put to more useful purposes, than ever in the history of the town. So don't get discouraged when you encounter these sickly minded folks, who are always prophesying that the State of North Carolina has reached its acme and is going to take a down grade. That is not a healthy-minded condition. I was very much pleased in reading the other day what I thought was one of the best addresses which I have read for many years, that of Senator Hoar, from Massachusetts, made in Charleston. I think it was one of the best tributes to the civilization of South Carolina and her people, and one of the finest settings forth of the present conditions, by a

wise and good man, I ever saw. He said that the older he grew the more hopeful he became and the more confidence he had in his fellowman. And it struck me that no human being could have paid to that old man so grand a tribute as he unconsciously paid to himself. He had evidently led a healthy life, he was in a healthy frame of mind. He is a man of seventy years, who has spent a large part of that time in public life. And that which gave his words a special value, was that he was in a city and said those words, and applied them to the conditions which he there found, a city which, some forty years ago, expelled his father because of his views about a peculiar institution to which those people were then attached. Now, gentlemen, I tell you it demands a *man* to have said those words, and to have said them in that place. If you and I can live to be three score and ten years old, and can, at that time, give that testimony, if that is our experience, we shall have lived to a grand purpose. The address so impressed my mind that I love to dwell upon it. There are thousands of like experiences. I believe it is the experience of all good men, but it was so generous and brave to have said it then and there. I trust that the time will come when the very highest type of manhood in North Carolina can go to Boston and say the same thing.

Speaking upon this line of what I think to be the future of North Carolina, in respect to the industrial development of the state, I want to say this to you, gentlemen: A man who makes the accumulation of wealth to worship it, to make an idol of it, is a base human being; but the man who makes it, who works and labors and makes it honestly that he may use it for the benefit of his fellowman, is entitled to and should receive, the respect of all good men. Of course advantageous circumstances often give a man an opportunity to make great wealth. You go into the country where our boys are raised, walk about the roads and come upon an old man who has a good farm and a

comfortable home, talk to him and you will find that he is a sane man. He may not be an intellectual man, or have a very broad view of questions, but you will find in general, that he is a man endowed with a good strong mind, and has got sense. I do not speak about those men who, by sharp practices, make money. That is a different class of people altogether. Now, I favor very much that we should put into the constitutional amendment the provision, that a man who has three hundred dollars of taxable property, should vote, whether or not he could read or write. I believe it would be a conservative provision in our law. Were you aware that, by the laws of this state, for many years a man could not sit upon a jury unless he was a freeholder. There is nothing in the possession of a piece of land that confers upon him any fitness for service upon the jury, but it was a recognition of the fact that he had a stake in the welfare of the state, and that was the philosophy of it; that if he was a freeholder and took enough interest in his country and state and family to buy for himself a home, that it gave him an interest and made him a conservative citizen.

Now, there is another thing that I think indicates in a high degree a sane, sound citizenship—and I say that in North Carolina we haven't got as much of it as we ought to have—and that is "patience." Did it ever strike you how many failures North Carolina had to record because her people were so impatient? They were so unwilling when a new line of work was undertaken, to wait and abide the result. I do believe that more harm is done to our best development by this spirit of restlessness and unwillingness to wait than any other. They too frequently forget that you cannot manufacture institutions. You boys have learned this was tried in the early settlement of North Carolina. A wise philosopher in England sat down and wrote a constitution for North Carolina, and it was a beautiful piece of work, but you know that when they

sent it over here and tried to make it fit our people—these people that lived in the woods and had good practical sense, they rejected it. It had not grown out of their political conditions and wants. Probably there is nothing in North Carolina affecting its material welfare, which is more needed than good roads; and yet I pledge you my word that if you read the statutes of North Carolina for the last fifteen years, there has hardly been a road law passed by one legislature that was not repealed by the next. I want to say one thing to you about that sort of thing, that in the development of the material resources and other interests of the state that you must have patience. The good things in this life don't grow in a day. One of the saddest and yet one of the noblest lives I ever read in this day and generation is that of Mr. Gladstone. I think he was one of the finest specimens of manhood the 19th century has produced, and pardon me for saying so, but I believe I have read every biography that has been written of him. But this thought always occurs to me in reading of that old man in his great efforts to advance the highest and best interests of his country, that it did seem that every time when he was about to accomplish the great work he had in hand something happened for which he was in no sense responsible, which thwarted and dashed all his hopes. And yet that old man never complained, but went right ahead. He finally succeeded in a large measure. One of the lessons taught us by that old man is the necessity for patience. That is equally true of him whose birthday we celebrate. General Washington rendered to his country no greater service than that which he did between the treaty of peace and the making of the constitution, and that service was rendered not on the battlefield, but when he was with patience and courage holding together the discordant elements which had come out of that great war of the revolution, and which were threatening to separate, disin-

tegrate and destroy the results of that great struggle. If you will permit me, in the presence of these professors, I will advise you to read that chapter in the life of Washington in which he reached the very highest point of greatness. When his soldiers, feeling that injustice had been done them under the instigation of General Gates, and others were threatening to destroy the fruits of the great victory which they had won under his leadership. How he waited and waited! How he held together all those discordant and disturbing elements till, in the Providence of God, and the operation of social and political forces, the constitution of the United States was formed and fixed as the basis upon which has been built the grand and glorious progress of this American nation, and by a due regard to which is to be gained all that is safe and honorable for this great nation in the future.

It is a high test of citizenship to be patient—not to be restless, not to be disturbed by the little passing breezes. Do as David Crocket said, “Be sure you are right then go ahead.” Stick to your guns, and if human experience is worth anything in life, you shall have your reward. There are men in North Carolina to-day who are striking illustrations of this truth, men prominent in political life, who have been rejected over and over again by the politicians. The late Judge Merrimon said to a young man who got uneasy about his political future (he had voted to prohibit the sale of liquor, and the wise men told him he was *done for*, in the political phrase) Judge Merrimon said to him, “Now my young friend, if you want to run for Township Constable, I think that thing would hurt you very much, but if you have aspiration for anything great and grand, do not trouble yourself about it. Be patient and wait, because the patient judgments of men will always be just and right.” It is an unhealthy condition of mind that permits itself to be disturbed and restless over every little obstacle.

Now, another thing. It is not necessary that a man should exert a considerable influence over this world, or that in his life he should be a United States Senator or a Governor. The fact is that we have got a Governor in North Carolina who is just now exerting as little influence as any man in the State. If it wasn't that I am reminded every day that I see a door leading to the executive office, I should have forgotten that he had any office. That is rather a sad condition of things. Why is it so? I will not stop to inquire. I hope it will not be so in the future. But what I was going to say, is this: It is not only necessary that a man shall have character himself to make a good citizen, but shall have enough force behind that character to impress itself upon the community in which he lives. There are many men in North Carolina to-day who are good citizens, that is to say, who pay their debts and taxes, but do not bother themselves about who is nominated for office. If a question comes up in their community, affecting its material or moral interests, they put their hands in their pockets and say like Gallio of old, "we care nothing for those things, we have our families to look after." If they are merchants, they say, "we have our customers to look after, we don't care about these questions." If lawyers, they say, "now our clients take different views of these matters." Now my young friends, such are not sound, strong citizens.

It was said to me by a gentleman in North Carolina some time ago, speaking of one of the best men we had, Judge Joseph J. Davis, "There never arose an issue in the little town in which he lived, that he did not take an active interest in it. No matter what it was, no body had to wait to find out his opinion, because he had at once arrayed himself on the side of right and put his character in the scales." I tell you I have very little sympathy with men who sit about in their stores and offices and on the streets and whittle goods-boxes and the like, who are always talking

about the bad men in their town government, and those who are not the right sort to make aldermen, and this and that always wrong; yet when you call a meeting to get the expressions of the best and highest citizens in the town you never find them there. It is not necessary, and I do not advise you, to be politicians, in the sense that you should enter into the scramble for office, except in so far as it gives you an opportunity to discharge high and responsible duties. In that sense there is a great deal in it. It is not necessary for every man to enter into political life in that sense, but it is necessary when you get twenty-one years old and you get what of course all students are going to get, an education, to be true to the State and the community in which you live, and every time an issue comes up in your town, if nothing more than opening a new street, if it affects the health, the moral, the mental, or any other interest of your town, make up your mind what your duty is and be active. And then you have been a sane citizen. I did not come here to tell you anything new, my young friends, but there is another thing. Be conservative, and what conservatism means is this: it does not mean to be an old foggy about things, but being conservative is always to do this: first, find the condition in which the subject matter of any proposition is; find out its past; if any evil incrustation has grown up around it which demands to be stricken from it, go to work and strike it off, but do not destroy the thing itself. That is one serious trouble in American life, we have not enough reverence for the past. I think it was Burke who said that the great strength of the English people lay in the fact that they never cut loose from their past. They took that which was and made it the basis of that which was to be. You see a striking example of the contrary in the conduct of the French. When things don't suit them the first thing they do is to cut off the heads of the king and of a number of other people, and then some idealist fixes up a scheme of gov-

ernment, ill-suited, and they undertake to fit it on to their body politic, and the last condition is about as bad as the first. The Englishman does not do anything of that kind. When he finds that a certain unhealthy condition exists, he destroys the condition but not the government. As Tennyson says:

"May freedom's oak for ever live
With stronger life from day to day;
That man's the best conservative
Who lops the molded branch away."

It is to preserve the trunk, the germ, the thing. Knock off the dead branches, and growth that is not healthy. As an illustration of this, we felt, and we feel, that we have a growth, something that is not natural, that would not have been there if wisdom and sanity and sound statesmanship had been there; something that has been fixed to the body politic, and in the interest of the thing itself, and for the preservation of the best there is in the State, we cut it off and separate it from ourselves. We get rid of the body of this death that has been hanging upon us. That is conservatism, not radicalism. I say to you that it was the most intense conservatism in the General Assembly of North Carolina that fought day and night for the Constitutional Amendment which will be submitted to the people of North Carolina. It is not radicalism. It was the conservative element in that body that produced that document and it was by labor and effort that the people of North Carolina will never know. That document, whether it will be indorsed by the people of North Carolina, it will not be for me to say, but it was wrought by men with tears in their eyes. I saw men wrestling with what they thought to be duty to themselves, on the one hand and duty to the State on the other. That was generous and manly citizenship. We need that.

Your Historical Society is doing a great and noble work in unveiling the records of the past that you may see what

has been done by the good men of North Carolina, that you may learn and preserve that which is worth having and saving. It is by conserving and preserving the best of that which is, as the basis of building up the best and highest which is to be. That is wise, sane, conservative.

Now I have taken up more of your time than I intended. I confess that this is a subject in which I am deeply interested. I know that you, young men, whose minds and hearts are being stimulated day by day, feel an interest in it. I know that these thoughts, whether you agree with me or not, are of interest to you, and I have taken the occasion to avail myself of your kindness to say this much. But let us all remember that in addition to, and as the complement of, these things, that the highest and best standard of citizenship is always measured by a faith in God and man. I have no confidence in the political purity and welfare of any community that is not based upon Christian manhood. You need not talk to me about a man's having faith in man, who has not faith in God. It can't be. I think it is Benjamin Kidd who says that the work of the people who have done anything for the upbuilding of their State, is based upon a recognition of a supernatural power, something divine. We should, in dealing with these questions, remember always, not that we should in any sense, or under any circumstances, pass the line which the wisdom of the fathers and the experience of the past have shown us, in respect to the mingling of the affairs of church and State. But the difference between the preservation of Christian manhood, and the mingling of church and State, is as far removed as day and night. Cultivate these virtues of manhood and citizenship, but remember always that the basis upon which they are to be built, and the only safe basis upon which the individual or political life of the community can be founded, is the recognition of the great truths taught us by God himself, an implicit faith in God and man. Do that, and then wisely abide by the experiences

of the past, a recognition of not only the present conditions by which all interests are to be harmonized, to be made work for the glory of the State. Then, and not till then, may we hope that this grand old commonwealth may take her place beside others of her most prosperous sisters in the community of States, that we may exert our influence in the affairs of the nation; when these new problems shall be for us to deal with, we may be enabled the better to take our stand beside them and move along side by side with them in a national sense, in working out the problem upon which the hopes of the whole human race depend because as the history of this great republic soon is to be written for the next century, so I believe the history of the whole human race will be written. So it has been given to us to carry the light of Christian civilization, where, I do not know, but wheresoever His hand points and guides and directs it is our duty to go.

THE CONGRESSIONAL CAREER OF THOS. L. CLINGMAN.

BY JOHN S. BASSETT.

The sketch of General Clingman which his niece, Mrs. Kerr, contributed to THE ARCHIVE for March, 1899, deals with the personal side of her distinguished uncle. It has, therefore, seemed to me that a further sketch which should deal with his political career would not be without value to North Carolinians. There have been many sons of our State who are ranked by their admirers as the equals of General Clingman in political ability; but there are few who can be thought to have equaled him in party prominence. His tireless activity kept him thoroughly up in any line of business in which Congress might be interested. In the exciting debates that preceded the Civil War he made it a custom not to retire before two o'clock. He soon was able to learn who were the men who were up latest and by talking to the others early in the evening and to these later on he was able to exchange views with a large number of men, so that when he went into the House in the morning his information as to the latest changes in public opinion was remarkably accurate. His impetuosity, fearlessness, and honesty made him an effective debater. He was ambitious. He determined early in life that he would be President, and but for the sectional issues that stood in his way, it is possible he would have reached that goal. He had the good sense to be a practical politician in the better nature of the term. He knew the people, without pandering to their prejudices; he knew the point beyond which it would not be safe to try to lead them, and in the event he was with them. More than this he was a man of the people. His ideals were their ideals and it was no violence to his conscience when he stood for the things they believed in. He was not fastidious in his dress, although he was neat. He loved homely virtue and those who knew him well believed that in this respect his love was but an outcome of his own character.

It was in 1842 that he was first elected to Congress. He was then thirty years old. In politics he was a Whig, but he was too original in his way of thinking to yield himself to the current of a party majority. He always ran as an independant candidate, and late in life congratulated himself that he had always been free from the tyranny of a nominating convention. His district was a mountain district, lying around Buncombe county. The inhabitants were as independent as he. They were accustomed to look more closely at the leader than at the party. To them he became an ideal—"Tom. Clingman" he was affectionately called by man, woman, and child. He first asked these people for their suffrages in 1840, when he was a candidate for a seat in the State Senate. They responded liberally and he was elected by two votes to his opponent's one. In 1844 in one of his first speeches in the House of Representatives he said of the people of his district: "My district is unapproachable. She stands alone in her strength and dreads no contact with Democracy. On the contrary she courts it. She would gladly embrace in either arm the two strongest Democratic districts in the State and they would fall under that grasp as did the columns of the Phillistine edifice before the strength of Sampson." His prediction was a good one. As long as he led the Whigs in his district the district was theirs beyond question; and when at last he appeared as a Democrat candidate he carried it for that party.

His first notable action in the House was to oppose the rule by which the House refused to receive petitions to abolish slavery. This was a measure which the Southern members, whether Whigs or Democrats had supported generally. It had arisen out of a foolish idea that such petitions were insulting to the dignity of the South. It had given the abolitionists an opportunity to cry that the right of petition was abrogated at the behest of the overbearing slave-owners. Moreover, it did not stop anti-

slavery petitions. On the contrary they came faster than ever. Mr. John Quincy Adams, who was the leader of the anti-slavery sentiment in Congress, always appeared at his desk on the day for receiving petitions behind a huge pile of those documents. To read the titles of these and to refuse to receive them had a greater effect on the popular mind than to have received them would have had. Mr. Clingman realized that the rule in question was inexpedient from a party standpoint and in point of fact futile. He with a half dozen other Southern Whigs voted against the rule and it was defeated. He gave his reasons as follows: "I voted against the rule excluding abolition petitions, not only because I regarded that rule as an infringement of the right of petition, but because I was well aware that most of the citizens of the Northern States viewed it in that light; and I was not willing to do violence to the feelings of a large portion of the Union, for the mere purpose of preserving a rule that was of no practical advantage in itself." It is certain that his opposition did much to defeat the measure.

His next notable speech was one delivered on January 6, 1845, on "The Causes of Mr. Clay's Defeat." There was in Mr. Clingman a strain of Indian blood, his mother's grandmother being Elizabeth Pledge, a daughter of the Cherokee chieftain. It seems to me that from this source Mr. Clingman must have received a certain amount of savage vindictiveness, which came to the front only when he was aroused and which spared no feelings. Here the speaker was smarting under the recent defeat of Mr. Clay, to whom he was ardently attached. He was in no mood for mercy and he attacked his opponents in the most candid manner. He charged them with favoring the abolitionists in the North and opposing them in the South, with being held together solely by "the cohesive power of public plunder," with favoring a high tariff in Pennsylvania and opposing it elsewhere, and with deliberate

“misrepresentation and fraud” generally. Mr. Polk was accused of using language “as doublefaced as the responses of the old Delphic oracle,” and the history of the world afforded no other “example of fraud and falsehood on a scale so extensive.” The Democrats were charged with election frauds through the use of “repeaters” as well as through illegal voters. The members of the “Empire Club,” a political organization of New York which had rendered good services to the cause of Mr. Polk, were denounced as “gamblers, pickpockets, droppers, thimble-riggers, burners and the like.” Moreover in this case he gave a bill of particulars. This he did with great plainness, so that there was no need that any one should not see what he meant.

Mr. Clingman was never an admirer of Mr. Calhoun. In fact he regarded that gentleman as inimical to the true interests of the South, and at this early period in his career in Congress he was accustomed to speak of him with much bitterness. In this speech he said: “Mr. Senator Benton did great injustice to John C. Calhoun, when he said, if common report be true, that the same John C. Calhoun, so far from being a statesman, had ‘never invented even a humbug.’ The fact cannot be disputed that John C. Calhoun was the first to take ‘the very highest ground for the South,’ the prime originator of the policy of objecting to the reception of petitions, of which the twenty-fifth rule was a parcel. Hard then is the necessity which compels the peculiar followers of that gentleman to make a burnt offering of the first and only offspring of that idol.” Later on in this same speech he again took up the same subject. He said: “As I have had occasion to allude to John C. Calhoun, I take it upon myself to say that looking at his course for more than twelve years, with the exception of a few years after 1837, when he hoped from his new connection with the Democratic party that he might become President of all the United States.—I say, sir that

his course, whether considered with reference to the tariff and nullification, to agitation on the subject of abolition and slavery, or his mode of managing the Texas question, is precisely that which a man of ordinary sagacity would take who designed to effect a dissolution of the Union. And that such is his object can only be denied by those who hold him a monomaniac."

Of this speech Mr. Clingman himself said: "To those unacquainted with the state of political excitement then prevailing, this speech will seem excessively violent; but in giving expression to my own earnest feelings, I did not exceed the bounds which party friends justified. The Rev. Mr. Hammett, a Democratic Representative from Mississippi, but a personal friend, afterwards told me that I had said the bitterest things ever uttered on the floor of the House. Mr. Mosely, of New York, a political friend, said that the Democrats, while I was speaking, reminded him of a flock of geese on hot iron. During the first part of the speech, Dromgoole, of Virginia, who sat just by me, seemed to enjoy quietly my hits at the Calhoun wing of the party, between which and the Van Buren or Hunker Democrats there was much jealousy and ill feeling; but after I had directed my attack on the Northern wing of his party, his manner changed and his countenance indicated much anger. I was subsequently told that many members of the party insisted that unless Mr. Yancey, who obtained the floor to speak the next day, would assail me violently, that he should give way to some other member of the party. Hence his remarks, which led to a personal difficulty, were perhaps influenced to some extent by the wishes of his political friends." To the Whigs the speech was greatly satisfactory. It opened the eyes of many of them and aroused the indignation of all; so that Mr. Clingman was of the opinion that at that moment they might have carried the country.

The Democrats did indeed put up Mr. Yancey to reply to

this speech of Mr. Clingman's. Ordinarily Mr. Yancey's speeches were dignified, cultured, and considerate. As a whole this speech, as it appears in the *Globe* was of the same nature. But in a short passage he referred to Mr. Clingman in terms of the greatest contempt. This was more than that gentleman would take. He was a born fighter and no one who knew ever doubted his courage. He challenged Mr. Yancey to fight a duel. The latter was an excellent shot. He accepted and chose pistols for his weapons. At the first shot Mr. Yancey missed and Mr. Clingman unwilling to make any woman a widow fired over his antagonist's head. Then friends interfered and the affair ended.

Except for his position in favor of receiving anti-slavery petitions, Mr. Clingman had at this time said but little about the slavery question. The Wilmot Proviso, however, made it necessary for him to take a stand. Accordingly on December 22, 1847 he spoke on "The Political Aspects of the Slavery Question." He began by discussing Mr. Calhoun. That gentleman had said in the Senate that the territories being common property of the whole Union, Congress had no right to exclude from them any citizen from any State. This statement, said Mr. Clingman, was not true. The territories were truly held for the use of all the people; but all of the citizens could not go to one State. Congress could not carry out that kind of a distribution, but it could do the next best thing; it could distribute the territories among the citizens on a sensible basis. He thought, furthermore, that Congress might regulate all property in the territories, acting however under the provisions of the Constitution. But it must be just to all citizens. He did not discuss the moral grounds of slavery, but he spoke very bitterly of the abolitionists, whose influence, however, he thought to be of no consequence. As for the negroes themselves he pronounced them an inferior race and by no means able to exercise the

gift of citizenship which the abolitionists proposed to give to them.

The most striking part of this speech is that in which reference is made to Mr. Calhoun. Mr. Clingman now returned to, and amplified, the charges he had hinted at in his speech of March 7, 1844; viz., that Mr. Calhoun was responsible for the great feeling in the country on the question of slavery. He said: "After the unpleasant difficulty growing out of Nullification had been satisfactorily settled, there was a general disposition both at the South and the North to bury all sectional and local ill feelings and differences. Unfortunately, however, for the repose of the country, Mr. Calhoun, who had been a prominent actor on the side of Nullification, found himself uncomfortable in his then position. The majorities of everyone of the Southern States were not only opposed to him politically, but viewed him with suspicion and distrust. Being ambitious of popularity and influence, he sought to restore himself to the confidence of the South in the first place and seized upon the slave question as a means to effect his end. He professed to feel great dread lest the North should take steps in contravention of our rights, and to desire only to put the South on her guard against the imminent danger which was threatening her. He only wished to produce agitation enough to unite the South, though every body knew that there was, in relation to this subject, no division *there*. Whether he had ulterior views against the integrity of the Union, it is not my purpose to inquire; I am only looking at *acts*, not inquiring into *motives*. The former obviously looked to the creation of a political party based on the slavery question." To this general charge he proceeded to bring evidence. The conduct of the *United States Telegraph* was cited. In 1833 this journal was known as the organ of Mr. Calhoun. It was edited by Mr. Duff Green. It began at that time to publish a series of inflammatory articles calling on the

"South to awake, to arouse to a sense of her danger." At the same time it charged the North with the intention of liberating the slaves. It published every abolition document or "frothy incendiary paragraph" that it could find. This matter was printed not occasionally but daily, and whole columns of it at a time. Some sensible democratic papers repudiated this plan. The *Telegraph* denounced them as traitors to the South. In response to this the Richmond *Enquirer* said: "We do not declaim about slavery because we do not believe that the citizens of the North are mad enough to trench upon our rights." The *Pennsylvanian*, another democratic journal, declared: "The conduct of the *United States Telegraph* in relation to the slavery of the South is incomprehensible. Day after day that incendiary print is endeavoring to stimulate an excitement on this fearful topic, by representing the desperate journals of a few fanatics in New York and Boston as emanations of the late patriotic proclamations of our beloved President"—an allusion to President Jackson's proclamation against Nullification. When the *Telegraph* took up this line of action, continued Mr. Clingman, the country was resting quietly in the influence of the Missouri Compromise. Neither the South nor the North was alarmed. Nobody was uneasy save Mr. Calhoun and his uneasiness was due to the fear that he was about to be shelved by the public; and so the Southern people must be stirred. "Already," shrieked the *Telegraph* to the South, "has the ban of empire gone forth against your best and wisest statesmen. Fidelity to you is political death to them! Treason to you is the surest prospect to federal promotion! Is it wise, is it safe, is it honorable to sleep over such wrongs?" "When this occurrence began," continued Mr. Clingman, "the people of the North, not understanding the game that was to be played, seemed to be surprised. They declared that the South was too timid and too sensitive on the question; that there was no

danger to be apprehended from the machinations of the abolitionists; and that their movements were condemned by ninety-nine out of every one hundred of the citizens of the free States. . . . Intelligent Southern men, too, who traveled through the Northern States declared the same thing." Yet the *Telegraph* was not satisfied. It became more furious than ever. "Such returns seemed to chill the generous enthusiasm of the North." This is strong and not uncertain language. If the charges contained in it are true it marks the beginning of great national calamity. The infuriation of the South in the beginning brought about the conditions of out of which war could not but come. If, as Mr. Clingman charged, Mr. Calhoun wrought that infuriation, and for his own selfish political ends, it is to him that we must charge the misery and death that the war brought to the South and to the North. Is the charge a true one? I am not at present able to say. I have seen politicians do as much in my own day. I am not sure that they would not have done it in 1833. It is but just to add that in 1848 Mr. Clingman retracted this charge to the extent that it gave Mr. Calhoun the intention of dissolving the Union. This change of view was due to an incident which happened at that time and which, said Mr. Clingman, "satisfied me that Mr. Calhoun was really a friend of the Union on the principles of the Constitution." Here it must be remembered, however, that Mr. Clingman's own views were changing, and that when they had completed that process of change he was a Democrat, and one of the most advanced defenders of the Southern rights side then in the party.

In this same speech, Mr. Clingman discussed secession, which was then much talked of. He did not consider secession as beyond the range of the probable, and when it should come he thought that the slave States would be able to maintain themselves. For himself he said: "I am for maintaining our present Constitution of government as

long as any human exertion can uphold it. . . . But when a great organic change is made in that Constitution—a change which is to degrade those who have sent me to represent them here—then, sir, at whatever cose of feeling or of personal hazard, I will stand by the white race, the freemen of the South.”

However much he might have condemned the efforts of Mr. Calhoun in stirring up the South as early as 1833, it is evident that the South once excited he was on the Southern side. As the Northern Whigs came more and more under the anti-slavery influence the Southern Whigs veered more and more away from them. As early as 1848, says Mr. Clingman, he was convinced that the Northern Whigs could not be relied on to keep their promises to the South. In the fall of 1849 he was traveling in the North and he was convinced from what he saw and heard there that in the coming Congress the Northern Whigs and Van Buren men would support the Wilmot Proviso. Moreover, he was of the opinion that many Northern Democrats, tired of contending against the strong anti-slavery current at home, would help to pass the Proviso and thus force President Taylor, the head of the Whigs, either to approve the measure and so to alienate his Southern vote, or to veto it and alienate the Northern Whigs. On his return to Washington he proposed to some of his colleagues that an effort be made to arouse Southern sentiment so that the North should not dare to proceed to extremes. The proposition was agreeable, and by request he wrote to Mr. Foote, of Mississippi, a letter in which he declared that all the South ought to unite in resisting the encroachment of the North “in a manner commensurate with the violence of the attack.” Mr. Foote was a leader of the extreme side of the Democratic party in the South. When, therefore the correspondence between the two was published it made a deep impression on the public mind. The South was aroused. The result was that some of the Southern

Whigs voted against the party candidate and after a long contest Mr. Howell Cobb, of Georgia, was elected Speaker over Mr. Robert C. Winthrop, of Massachusetts; but in this case Mr. Clingman seems to have voted with his party.

In the same session Mr. Clingman made a speech "In Defence of the South against Aggressive Movement of the North." He eulogized the civilization of the South as follows: "I regard it as right to say on this occasion, that whether considered with reference to the physical comfort of the people, or a high state of public and private morals, elevated sense of honor, and of all generous emotions, I have no reason to believe that a higher state of civilization either now exists elsewhere, or has existed at any time in the past, than is presented by the Southern States of the Union." The Missouri Compromise, the constantly growing tariff, the Wilmot Proviso, and the kindred measures were enumerated as acts of Northern aggression. Secession he discussed as a near possibility and he declared "calmly to Northern gentlemen that they had better make up their minds to give us at once a fair settlement; not cheat us by a mere empty form, without reality, but give something substantial for the South." What he wanted was a compromise line at 40° north latitude, with California left to the North, although he said he would be willing to accept the Missouri line for that purpose. The region south of this line was to be left open for a time to all classes and then the inhabitants were to decide its relation to slavery. This he thought a fair compromise. The North would find the South patient under wrongs. But let her beware. "We do not love you, people of the North," he exclaimed, "well enough to become your slaves. God has given us the power and the will to resist. Our fathers acquired our liberty by the sword, and with it, at every hazard, we will maintain it. But before resorting to that instrument, I hold that all

Constitutional means should be exhausted. . . . Sooner than submit to what they [the abolition press] propose, I would rather see the South, like Poland, under the iron heel of the conqueror."

As a practical means of resisting the North he suggested to his friends to make dilatory motions and thus obstruct all business even to the loss of the appropriation bills. This plan was at that time a surprise to the country. It was resorted to for temporary purposes and became known as the "Clingman process." Mr. Clay asked the author where he got the idea. He answered that it came to him one night between midnight and day as he lay thinking on the distressed condition of the country. "Well, said Mr. Clay indignantly, "it is just such an idea as I suppose a man would get between midnight and day." "Neither Mr. Clay nor Mr. Webster liked the speech; but Mr. Clay was tactful enough to keep on good social terms with the speaker. Mr. Webster was more abrupt and the winter had not passed ere he had told Mr. Clingman plainly that he could not maintain social relations with him, a position which the great man soon regretted and which he took steps to reverse. Yet all that the two great leaders could do did not keep the representative from the North Carolina mountains in the Whig fold. He was slowly setting his face towards the Democrats. He opposed the compromise of 1850, but voted for the Fugitive Slave Law. He considered that the measures yielded nothing to the South since the Constitution itself guaranteed the return of fugitive slaves.

His final break with Whiggery came as follows: In April, 1852, a number of Whig leaders in Washington held a caucus to consider the advisability of calling a national convention to nominate a candidate for the presidency. Mr. Clingman favored Mr. Webster for President, because he was conservative. There was a strong tendency to put up General Scott on a platform endorsing the compromises

of 1850. This would make him acceptable to the North. Against this scheme Mr. Clingman and a few other Southern Whigs were united. The caucus was plainly against him. He announced that he could not pledge himself to support the nominee of the proposed convention. He had prepared a resolution demanding that the convention should favor a faithful execution of the Fugitive Slave Law. When he saw that the caucus would not do this he and his friends walked out of it, and from that time he ceased to be a Whig. In due time General Scott was nominated on a Southern platform. In his letter of acceptance he managed not to endorse the platform. Thus it was thought he would please both sections. The result showed otherwise. He carried only two Northern, and two Southern States. Mr. Clingman supported Mr. Pierce, but was himself re-elected in his impregnable mountain district. This district had been carried by President Taylor in 1848 by a majority of three to one. It was decidedly a Whig district. It was a great evidence of the confidence of his people in that they re-elected him in 1852 when he was supporting a Democrat for President. In the present day of party machinery such a thing would be impossible.

Mr. Clingman's next important action was in regard to the Kansas-Nebraska Act. By this measure Mr. Douglas tried to open to possible slave colonization territory made free by the Missouri Compromise. At first Mr. Clingman opposed this measure on the grounds of expediency, although he thought it well founded in theory. He thought it would alienate Northern friends of the South. On the other hand he considered that since the compromise of 1850 had declared for non-intervention, non-intervention it should be everywhere. The Democrats blindly decided to go ahead. They pushed through a bill which the simplest of them must have known would be regarded in the North as a breach of faith. Our North Carolinian

did not hesitate for a long time. He supported the bill in a fervid speech and gave it his vote. Later on he said in a letter to some of his political friends: "I declare to you, gentlemen, that after a congressional service of nearly ten years, I would rather that every vote of mine on all other questions should be obliterated from the journals than be deprived of my participation in that one act."

From that time Mr. Clingman was hardly so prominent as formerly. As a Southern Whig he had attracted attention. As a Democrat he was swallowed up in large numbers. Yet he did his duty faithfully. He opposed the higher tariff, he favored low expenditures, he advocated American intervention in the Crimean War; he wanted the United States to bring on a war with England, or Spain, or France, if possible; so as to overwhelm slavery in the public mind. He favored the Ostend Manifesto and made a speech in its support, and he was bitterly hostile to England and demanded the repeal of the Bulwer-Clayton treaty. His speech to this effect was his last in the House. Shortly after it was made, he was appointed, in May 1858, to the seat in the Senate vacant by the resignation of Mr. Biggs. At the expiration of this term he was elected to the same seat and sworn in at the special session on March 5, 1861. A few weeks later he resigned to follow his State into secession.

In the Senate his career was satisfactory to his friends. He at once became a leader on the Southern side. Although he continued to profess his love for the Union no man insisted more strenuously on the rights of the South. The John Brown Raid was a severe blow to him, and on January 16, 1860, he gave vent to his feelings in a "Speech Against the Revolutionary Movement of the Anti-Slavery Party," a speech which was thought by some to have been his greatest effort. Those who are acquainted with his intense style of oratory may be somewhat disappointed to find this speech full of calm and rather plaintive feeling.

It is as if he were convinced of the hopelessness of his cause and were only bent on making a protest for the sake of posterity against a wrong the consummation of which was already fixed by destiny. He still thought the matter could be settled without disunion, but said clearly that the Southern people were prepared to resort to that if necessary. At this time Mr. Clingman declares that he knew nothing of the plan of Messrs. Slidell and Jefferson Davis to divide the Democratic party, a plan which, he said, "so much surpassed in its insanity and wickedness all similar events in the history of humanity that no one can fairly be blamed for not anticipating it." Of course he resisted such a plan. When Mr. Davis, as a means of developing this sentiment in the minds of Southern Congressmen, introduced a resolution defining the power of Congress in the territories, he made a speech against the resolution. All his efforts were unsuccessful. The party convention saw the consummation of the Davis scheme. After the conventions were adjourned he retired from active politics. He could not stay long in retirement. He was called out by a sentiment in a speech of Mr. Douglas, at Norfolk, Va., in which that gentleman endorsed coercion of the South. This sentiment was repeated in Raleigh. Mr. Clingman then decided to support Mr. Breckenridge. He made several speeches in the campaign and in them advocated resistance in case Mr. Lincoln should be elected.

It was in keeping with the above sentiment that on March 6, 1861, he made some remarks on the motion to print President Lincoln's inaugural. The latter had said that he would recognize no "resolves or ordinances" to the purpose of secession. Mr. Clingman took his cue from this idea. He declared in all the fervor of his best days: "I say the practical question is now upon us; shall we have these forts taken; shall we have a collision; shall there be an attempt to collect a revenue in the seceding

States? It will not do to ask the country to wait two, or three, or more years, as the Senator from New York suggests, to obtain constitutional amendments. If Mr. Lincoln intends to use the power in his hands, as he states in his inaugural, we must have war." As day after day passed and the President gave no further definite assurance of his policy, this conviction settled in Mr. Clingman's mind. On March 19, he again addressed the Senate. He said that if the policy of the President was to be peace why had he not given the country assurance of it? The failure to do so he could but believe meant that a policy of force was determined on. The waiting he foresaw was to give time to collect the scattered army and fleet. Later in life he was convinced that the administration had not at that time decided on war. The cause of the change he thought partly to have been the action of Virginia in refusing to secede. This convinced Mr. Lincoln that if war should come it would be with the cotton States alone and these could be easily overcome. But peace was not to be. North Carolina seceded when called on to fight the Confederacy, and Mr. Clingman resigned his seat in the Senate. He passed out of civil service to the field of military activity and became in the war that followed one of the most efficient brigadier-generals in the Confederate service.

DE GRAFFENREID AND THE SWISS AND PALATINE
SETTLEMENT OF NEW BERN, N. C.

Although Eastern North Carolina was one of the first regions in America to be discovered, and its advantages of soil and climate were early known, yet, on account of the disheartening failures of the early attempts, it was late in being colonized, especially by settlers direct from the old countries. But the Virginia settlers knew of the region and many of them commenced to work their way southward toward it. Among these we find De Richebourg, a French Huguenot, who had originally been with a colony of Huguenots on the upper James, but who, growing dissatisfied, moved in 1707 with a part of the colony to a place on the Trent River about two miles above the present situation of New Bern. Many other Virginia settlers, some of them bad characters, moved down and settled in the country about Neuse River. But New Bern was not to be founded by these.

About this time Christopher De Graffenreid, a gentleman of Berne, Switzerland, who had met financial reverses, left his country with the determination to seek his fortunes in America. He went to London and there met Louis Mitchell, a Swiss adventurer like himself. Mitchell had been appointed by the Canton of Berne to find out a tract of land in America suitable for Swiss settlement and he had been in the Carolinas for several years exploring. Switzerland, at this time, was overcrowded with persecuted Protestants, and was seeking to relieve herself by colonizing some of them in America.

De Graffenreid and Mitchell seem to have been kindred spirits, so they joined hands and made proposals to the Lords Proprietors of Carolina for a tract of land on which to settle these Swiss colonists. In 1707 they contracted with the Lords Proprietors for 10,000 acres on or between the Cape Fear and Neuse Rivers and their branches. They were

to pay to the Lords Proprietors for this land 10 pounds per thousand acres purchase money and five shillings yearly as quit-rent. Also they were to have the option for twelve years on 100,000 acres at the same rate, and De Graffenreid was to be made a Landgrave of Carolina.

About this same time there was a serious problem confronting Queen Anne and the British government in the question of the disposal of the great numbers of Protestant refugees from the Palatinate, a province in Germany, who were crowding by the thousands into London. These "poor Palatines," as they were then called, had been driven from their homes by the Catholic persecution arising from the War of the Spanish Succession and were forced to seek refuge in foreign countries. Great sympathy was felt for them in England, and Queen Anne, in 1708 offered them protection in England, and about 20,000 of them came over. But they were a great burden, for they had to be supported by the Queen, which cost a great deal, and, besides, created discontent among the English poor. So Queen Anne was looking for some way to get them away and still do her duty by them.

De Graffenreid was a favorite with her and when she heard of his colonization scheme in Carolina, she concluded it would be a good opportunity to get rid of some of the Palatines; so she made an offer to De Graffenreid for him to take 650 of these with him to Carolina as colonists. The offer was gladly accepted, as the advantages were mutual. De Graffenreid and Mitchell wanted colonists, as it would increase the value of their land, and besides, Queen Anne offered to give each Palatine 20 shillings in cash and pay De Graffenreid and Mitchell 5 pounds and 10 shillings for each Palatine, to cover the cost of transportation etc. A formal contract was drawn up between De Graffenreid and Mitchell on one hand and the commissioners appointed by the Queen on the other. For 5 pounds 10 shillings a head, 650 of the Palatines, about 92 families, were to be

transported to Carolina, and each family was to be given a title to 250 acres of land, and enough provisions, tools and stock to enable them to run a year. For five years the Palatines were to pay no rent, but after that they were to pay 2 pence per year an acre quit-rent. After this, as a sign of her good favor, the Queen made De Graffenreid a Baron of England and Landgrave of Carolina. The Lords Proprietors also, as an extra inducement offered to give orders to their Receiver-General in Carolina to supply the Palatines, until they got a good start, with what provisions he could spare.

The Palatines sailed for America in January, 1710, with three directors appointed by De Graffenreid over them, for he himself, had to stay in London to see about his Swiss colonists. They had a terrible voyage over, being driven violently by storms and having one of their vessels plundered by a French privateer. They landed in Virginia not daring to go to Carolina by sea on account of privateers and the bars at the inlets. From Virginia they went overland and by the sound to the county of Bath, as it was then called, and were located in May or June 1710, by John Lawson, the Surveyor-General of the province, on a tongue of land, at the confluence of the Neuse and Trent Rivers, then called Chattawka, the present situation of New Bern.

Ill luck seems to have always been attendant on these poor Palatines. On the trip over, about one-half of their number had succumbed to the hardships of the voyage and died. Now they were located in a rough wilderness with hardly any tools and provisions and insufficient money. They were forced to sell a good part of the movables they did have to the neighboring people, in order to get along until De Graffenreid should come with the Swiss. When De Graffenreid and Mitchell did come in December, after a good voyage over, they found, as De Graffenreid has told us, "a sad state of things, sickness, want and desperation having reached their climax."

It is hard to find out exactly how many Swiss colonists there were, some accounts say 1,500, but as De Graffenreid mentions only one ship load, there could hardly have been that many.

De Graffenreid also found the affairs of the province in a bad way. The Governor was dead and Colonel Cary, the Lieutenant-Governor would not recognize Mr. Hyde, the Governor newly appointed by the Lords Proprietors. De Graffenreid threw his influence on the side of Mr. Hyde, which so incensed Colonel Cary that he would not recognize De Graffenreid's patents and orders, and would not give him the help which the Lords Proprietors had promised and on which De Graffenreid said the life of the colony depended. Thus De Graffenreid was forced to go into debt to support the colony. Soon Colonel Cary and his adherents broke out in open rebellion against Mr. Hyde, and for a good while the province was in a tumult. At length, through the aid of the Governor of Virginia, the rebellion was put down.

All this had its evil effects on the little colony at Chattawka point. It made provisions high, and by it the colony was unable to get the promised help from the Lords Proprietors. However, the arrival of the Swiss put new life into the Palatines, and they both set to work to put things on a firm basis. A town was laid out at Chattawka point and called New Bern, after De Graffenreid's old home in Berne, Switzerland. The land was apportioned, cabins built, provisions provided and everything done to insure success.

But now when the colony seemed to be prospering, a "storm of misfortune," as De Graffenreid has put it, "rushed upon them in the shape of the Indians." De Graffenreid accuses Colonel Cary of being the instigator of this outbreak through revenge and jealousy.

In September, 1711, just before the outbreak and suspecting nothing, De Graffenreid started on an exploring

expedition up Neuse river with Surveyor General Lawson. When a few miles up the river they were both seized by the Indians and made prisoners. They were brought before the Indian council, which, after much deliberation, condemned them to death. De Graffenreid, in a letter to Gov. Hyde, describes in very vivid terms the horrible evening and night he and Lawson passed, in constant fear of death. The Indians stripped them of their clothes and bound them to a tree. Then they built a great fire in front of them and had a big medicine dance around it. All of them were painted, and dressed in the most horrible and fantastical manner. Every once in a while the chief conjurer, who, De Graffenreid said, looked like "the devil among his imps," would dance out in front of them, and with horrible motions threaten them with the most terrible deaths. However, De Graffenreid, through the intercession of a friendly Indian, succeeded in getting a respite. Tradition says he effected this by telling the Indians he was a king, and proving it by showing the golden star, which Queen Anne had given him when she made him a Balm. De Graffenreid was retained as a prisoner but Lawson was executed; the exact manner of his execution is unknown, but it is said the Indians stuck his body full of lightwood splinters, like hog-bristles, and set them on fire, and so gradually roasted him.

This was but the beginning of a great Indian outbreak. The Tuscaroras, with all the Indians of that region, simultaneously attached all the colonists along the Pamlico and Neuse rivers, plundering and slaying them. Of the Palatines and Swiss there were sixty or seventy slain and a good many taken prisoners, and the rest forced to congregate in a palisaded place, where they were nearly starved. All this time De Graffenreid was a prisoner among the Indians, but he finally effected his release by making a treaty with them. In this, he pledged that his Swiss and Palatines would remain neutral in the war between the

Indians and the Carolinians. He also agreed not to take up any land without the consent of the Tuscurora king. In return for this his colony was not to be molested. All of the Swiss and Palatines were to put a big letter N on their houses. This stood for Neuse, and was to be a sign that that house belonged to De Graffenreid's people, and was not to be molested. For a little while this treaty was kept, and the Indians didn't bother the New Bern colony, although they were waging a terrible warfare on all the other whites. But there were some among the Swiss and Palatines who didn't like to remain neutral, while the other people of the province were so hard set, so they broke the truce and attacked the Indians. The Indians then turned on them and came near destroying the colony.

The whole province of Carolina was now in great danger, for the Indians, headed by the Tuscurora tribe, were making great headway. They had driven all the people into strong-holds, had plundered their farms and captured and killed a good part of them. Help was solicited from Virginia, but it didn't come, and then a delegation was sent to South Carolina for the same purpose. The Governor of South Carolina sent Col. Barnwell with a small force of whites and a band of eight hundred auxiliary Indians, which succeeded in subduing the Tuscuroras for a while, but after the South Carolina force left, the war broke out anew. South Carolina was again solicited, and she responded with a force, which, with the Carolinians, effectually put down the Indians.

But the war had lasted over a year now, and the colony at New Bern was in a shattered condition. A good many of them had been killed and a good part of the rest had deserted and were scattered all around the county. They came back to find most of their houses burned and their cattle and tools destroyed and themselves without provisions. De Graffenreid went to Virginia to see if he could get any aid, and he did succeed in getting two boat-loads

of supplies, but of these one was burned up before it got to New Bern, and the other ran aground and most of the contents were lost.

De Graffenreid now determined to try his last chance, which lay in finding a gold mine. One of the chief things which induced him to come to America had been that will-o'-the-wisp which attracted so many of the early settlers, the hope of gold. In the Minutes of the Lords Proprietor's meetings we find a contract by which De Graffenreid and Mitchell were to have a lease of all mines and minerals in the province. Up to this time De Graffenreid hadn't had time to do anything along this line, but now he made an extensive tour into the mountains, looking for silver and gold. But although he searched faithfully he was unable to find any signs of either, and he returned as far as Virginia, completely disheartened. The blow about the mines was a great one, for he had been so sure of success that he had induced a number of skilled German miners to come over, and now these were left stranded without work.

He despaired of success now; his colony was without supplies, he was unable to get any, having run heavily in debt already; his bills of exchange would not be accepted, and he was threatened every day with a debtor's prison. He tried as a last straw to get a rich pardner, and when this failed he sold out his interest in the colony to Col. Pollock, a prominent man in the province, and then went back to Berne, Switzerland, in disgust.

Deserted by their leaders, the colonists were now in a terrible condition, and many of them left for South Carolina. But some few remained, and by hard work gradually put themselves on a firm basis. The natural advantage which the location of New Bern had as a trading centre soon told; the people from the surrounding country commenced to locate in it, and in not so very many years it was considered the largest town in the province.

De Graffenreid, in the manuscript in which he describes his adventures, divides the whole into a series of mishaps and cross-accidents, and this truly seems to be the history of the venture.

De Graffenreid accuses Col. Cary of being the chief cause of all his trouble, for besides instigating the Indian uprising, he accuses him of fraudulently taking money from the Palatines in payment for land to which he could give no title, and this evidently was true, for the General Assembly, in 1711, passed an Act to force Col. Cary to restore the money thus taken. De Graffenreid also lays a great deal of the blame on the colonists themselves, accusing them of being worthless and wicked.

The fact is, De Graffenreid, in his account, hurls accusations of cowardice, incapacity and rascality around so generally that the truth is hard to get at. One begins to think that among all this rascality and incompetence, he himself was not untouched, and that this might have had something to do with the failure. He at least didn't deal fairly with the Palatines, for he left without giving them the deeds to the land which they occupied, and which was one of the stipulations they made with him in coming over. In 1714 we find them petitioning the Assembly, trying to secure titles to their land.

On the whole, De Graffenreid seems to have been a mere adventurer, out for his own interests, and so he naturally deserted the colony when he saw it had failed as a money making project.

Amid all this, one cannot but feel in sympathy with the "poor Palatines;" they had left their country to escape persecution, and came to America only to be cheated and mislead on all sides, and finally, after a good part of them had been slain by the Indians, the rest were left in a strange country to shift for themselves.

NATHANIEL MACON IN NATIONAL LEGISLATION.

The day of myths and mythmakers does not end with the fantastic creations of primæval people. The critic of legendary lore, worn by the study of imperfect records and the analyzation of mental tendencies, may often find a more satisfactory solution to his problem in the humanity around him. Human nature, despite evolution in government and society, has many qualities that are permanent, and none is more prominent than the idealization of its heroes. Mr. McMaster has well said, "George Washington is an unknown man." A credulous public has been deceived for years by the curious inventions of Parson Weems and only within the past few years have Americans begun to write and read of the humanity and real citizenship of the father of their country.

The same is in some degree true of Nathaniel Macon. Those who have attempted to write the history of North Carolina in his generation have so admired the eccentricities of his character that they have consumed time and print in worthless eulogies so far as statesmanship and services to his people are concerned. His public life includes some of the most important and crucial years of our national history; and the intention of this discussion is to state his relations to the more vital questions of his time.

Mr. Macon was elected a member of the Second Congress, which convened in 1791. He was then thirty-two years old and a staunch supporter of the Anti-Federalist party. He had served in the State Legislature, had voted against the adoption of the Constitution because it gave the new Government too many powers, and, true to his native sense of loyalty and Jeffersonian simplicity, had refused any remuneration for his services in the Revolution. The same self-sacrifice he expected of others, for in Congress he opposed the bill promising a grant of land to Count De

Grasse, remuneration of General Greene for personal losses in the war and one making provision for LaFayette when he visited America in 1828, and when the pension system was established, he was one of its most stubborn opponents.

North Carolina was then more prominent in the Union than at any time since, save the months just preceeding secession. She was next to last state to ratify the Constitution and her population ranked her one of the largest in the new federation. It was therefore not only an honor to the individual but a recognition of the State's imperium, that Macon was appointed a member of a committee to report on the resolution making the basis of representation in Congress one for every thirty thousand.

Mr. Macon wished that the bill read *thirty-five* instead of *thirty*, another thirty-four, others thirty-three thousand. It is not necessary to describe the prolonged debates on the various amendments. Long before the question was finally settled, Macon and his colleagues were relieved of their duties. The question of representation was too intricate for the plain and honest gentleman of North Carolina.

Mr. Macon was one of the most uncompromising Anti-Federalists. With Gallatin and the leaders of the party, he fought the United States Bank, the navy, the Jay Treaty and those measures of the administration which tended to increase the authority of the central government. In April, 1796, Wolcott wrote to Hamilton, that "unless a radical change of opinion can be effected in the Southern States, the existing establishments will not last eighteen months." Congress defeated the motion to adjourn on the President's birthday which had been customary. In the second session of the Fourth Congress the reply to the Executive's message, reported by Ames, was warmly debated. It contained a passage complimentary to Washington and expressed regret at his approaching retirement. This was especially noxious to the Anti-Federalists. Giles

1. Stevens' Gallatin, P. 131.

“wished him to retire, . . . that the government could do only well without him, and that he would enjoy more happiness in his retirement than he possibly could in his present situation.” Finally the reply, including the section mentioned, was adopted with twelve dissenting votes. Among these were Macon and another son of North Carolina, Andrew Jackson, who has been described as a “tall, lank, uncouth looking individual with long locks of hair hanging over his brows and face, while a queue hung down his back tied with an eelskin. The dress of this individual was singular, his manners and deportment that of a backwoodsman.”

There is no phase of our early national life more attractive than the growth and decline of French influence and those measures of Congress, foreign and domestic, arising therefrom. It is improbable that Macon was influenced by French philosophy, for though never a church member his favorite literature was the Bible, and his austere and pure character is an argument stronger than words that he never imbibed the dregs of the skeptical Illuminati. Yet he was an admirer of Jefferson and when the Federalists proposed bills that would restrict citizenship he supported his party's policy of liberty in opinion and action for the individual. In 1798, he spoke against the resolutions prolonging the term of residence for naturalization on the grounds that “if persons have given notice of their intention to become citizens, they have complied in part with the laws; and he did not think it would be right to put it out of their power to comply with the other part.” The next day the Alien Law was proposed and Macon promptly objected to the “extraordinary power” given the President. In July he voted against the abrogation of the French treaty, tho' the indignation over the X. Y. Z. affair was at its maximum and war seemed the only method of main-

Stevens' Gallatin, P. 133 n.

Annals of Cong. 5th Session. Vol. 1, P. 1779.

taining the national dignity. In the same month, in the debates on the Sedition Bill, Macon opposed the measure because, (1) that interference with the press and liberty of speech may be extended to religious establishments and this is forbidden by the Constitution, (2) that it was an infringement of State authority, since prosecutions of libels were understood by the State conventions to be the duty of the State and not the National Judiciary. He quotes Iredell and Wilson, of North Carolina, to support this. (3) The bill shows lack of confidence in the States, and mutual confidence is the basis of the Union. "This Government depends on the State Legislatures for existence. They have only to refuse to elect Senators to Congress, and all is gone."¹

Though the act became a law, the arguments of Macon are interesting, for they ably express the views of his party on the constitution, and properly handled might still be valid objections to a censorship of the press, though a century has passed and our ideas of Union have greatly changed.

But Macon was not yet done with the Sedition Law. On January 23, 1800, he moved the repeal of the second section of the law, which fined or imprisoned those speaking or writing with intent to defame the government or excite "illegal combinations." It was expected that the Southern Federalists, among them John Marshall, would join the Republicans and they would carry the House for the motion. Mr. Bayard, of Delaware, moved the following amendment: "And the offences therein specified shall remain punishable at common law: *Provided*, That upon any prosecution it shall be lawful for the defendant to give in his defence the truth of the matters charged as a libel." Macon's resolution was carried by a majority of two, four Southern Federalists supporting the measure. The amendment was also carried by a majority of four, the votes of

1. Ann. Cong. 5 Sess. Vol. II. P, 2151.

the Federalists. After the voting, however, the Republicans realized that they had been trapped. The amendment made libel a felony, when formerly it was simply an offence to be punished by fine and imprisonment. Also it tended to give the Supreme Court, Federalist in its personnel, that jurisdiction over the common law which the strict constructionists so dreaded. After some discussion, a vote was taken on the resolution and amendment as a whole, the count standing 87 nays to 11 yeas. The Sedition law was left to pass out of existence by its own provisions.

No year of Mr. Macon's public life was more important than the year 1800, for then appeared in Congress his political mentor and friend, the dashing, brilliant, but erratic John Randolph. That these two men should have drifted together and maintained intimate relations in private as well as public life, is one of those strange anomalies which we pretend to explain by the law of attractions between opposites, for there is no common quality in the two men, except their eccentricities. Macon was a "typical representative of the honest but scarcely brilliant or interesting democracy of his native State;" simple-minded, ignorant of the ways of the world, and pure as a Roman Cincinnatus. "Jack Randle," as he was known, was a "Virginian Brutus, with eyes that pierced and voice that rang like the vibration of glass, and with the pride of twenty kings to back his more than Roman virtue." "There were few men who were not attracted by him, and those who were his staunchest friends were high-minded and pure Southerners. Macon was bewitched and soon worshipped him as an Apollo, seeing in his friend all that he himself was not, an astute politician and true man of the world. Madison and Gallatin were now in the Cabinet, and these

1. Randall's *Jefferson*, Vol. II, P. 532; *Ann. Cong.*, 1799-1801, Pp. 404-423. Trent, "*Southern Statesmen of the Old Regime*," P. 112.

2. *Adams' Randolph*, P. 54.

two eccentrics became the House leaders of the ascendant Republican party. In 1801 Macon was elected Speaker, and the honor was his successively until 1806, when the rupture in his party gave the majority to the Northern wing. He won this distinction through force of character and was soon known as the "Father of the House." But let it be remembered that the Speakership at this time demanded a moderator rather than a party leader, the type introduced by Henry Clay.

Mr. Jefferson was not chosen President without the famous deadlock that compelled a radical change in our electoral methods. When the vote on the bill establishing our present system was taken, there was one ballot lacking to make the required two-thirds majority. Macon, the Speaker, claimed his right to cast a ballot as member of the House, overruled the opinion that he was limited to tie cases, voted for the bill and so fixed the present law.

The most interesting phases of his Speakership are the slavery debates and the formation of party factions. In regard to the "dread institution" Macon was a representative North Carolinian. The State never knew the extensive slave system of Virginia on the north or of her sister States on the south. The slave-holders were usually small farmers who saw their servants daily and were bound to them by sympathy as well as by economic interests. It is said that Mr. Macon, until sixty years of age, was accustomed to work in the field with his negroes. His views on the slave trade and abolition are therefore valuable in forming an estimate of the institution in the State.

Mr. Macon's first utterance on slavery was in 1797, when a memorial was introduced in Congress from the yearly meeting of Quakers at Philadelphia, complaining "that certain persons of the African race, to the number of one hundred and thirty-four, set free by members of the religious society of Quakers, besides others whose cases were not so particularly known, had been reduced again into

cruel bondage under the authority of an *ex post facto* law passed for that purpose by the State of North Carolina in 1777, authorizing the seizure and re-sale as slaves of certain emancipated negroes.”¹ In the debates following Macon declared “there was not a man in North Carolina who did not wish there were no blacks in the country. Negro slavery was a misfortune; he considered it a curse; but there was no means of getting rid of it.”² He then accused the Quakers of making unconstitutional petitions to Congress, and also of endeavoring to incite slave insurrections in the Southern States. The latter charge was untrue and absurd, but it shows that the colonial anti-Quaker sentiment was not yet extinct. The petition was referred to a committee, who decided that Congress could take no action, as the matter involved the judiciary, not the legislative, department.

The negro problem, however, was not allowed to rest. The next prolonged discussion was in 1804. The Haytian rebellion drove many negroes to America and the Southern people were alarmed, fearing slave insurrections. In January, 1803, Wilmington, N. C., memorialized Congress and asked for protection against these black immigrants. A law was passed which forfeited the ship and punished the captain that brought African negroes into any State that prohibited the slave trade. In spite of this law, the importation increased and was so popular that South Carolina repealed her prohibitory law. Thousands of negroes were sold into the new Louisiana territory. The Quakers of Pennsylvania remonstrated and Bard, of that State, moved that a tax of ten dollars be placed on each imported slave. Mr. Macon opposed this motion because, if the slave were taxed, the government would be compelled to protect the slave ships; and it would be an insult to the dignity of South Carolina as a State.

1. Hildreth's History of U. S., second series, Vol. II, P. 178.

2. Ibid, Pp. 179-180.

"Gentlemen think that South Carolina has done wrong in permitting the importation of slaves. That may be, and still this measure may be wrong. Will it not look like an attempt in the general government to correct a State for the undisputed exercise of its constitutional power? It appears to be something like putting a State to the ban of the empire."¹

Here, as well remarked by Hildreth, was the germ of the argument of Calhoun, for States are not only possessed of constitutional powers, but are to be allowed to exercise them, even if it be to the detriment of the nation as a whole. The debate was so warm that the matter was dropped on promises and entreaties of South Carolina.

In the final debates on the suppression of the slave trade, to go into effect in 1808, the question of primary importance to be settled was the disposition of illegally imported Africans. "The argument of those who insisted that the negroes should be sold was tersely put by Macon," says DuBois,² 'in the sentence, "In adopting our measures on this subject, we must pass such a law as can be executed.'"

If they are made free, what will become of them, alone in a strange land, not even knowing our language? Are they to be maintained and civilized by the public? In some States, also, "there is a legal provision that an owner of a slave may give him his freedom, on going into court and giving security that the slave that is liberated shall not be a charge on the county. Those persons who deal in this nefarious traffic will never carry their cargoes into a port of the Union where there are no slaves. They will go to the States where slavery exists, and there smuggle them; and, if we pass this amendment, the situation of these States will be most deplorable.

..... Perhaps I may be under the influence of local prejudice, but there is no State in the Union more opposed to the importation of slaves than the State which I have the honor to represent. It was proposed by her, ten years ago, so to amend the Constitution as to give Congress the power of prohibiting the importation of slaves. I believe the proposition passed by an unanimous vote. Certain I am, it had my hearty approbation. But it seems to me if you give these people their freedom, and turn them loose, they must perish,"³ Also, the negroes could not be returned to Africa, for it was impossible to know from what tribe they

1. Ann. Cong., 1805-1806, P. 359; Hildreth, second series, Vol. II, P. 503.

2. "Suppression of Slave Trade," P. 98.

3. Ann. Cong. 1806-1807, P. 171.

came. As to the objection that the government by selling them was engaging in the traffic, let it be remembered that when the United States has obtained judgment against a slave owner, his slaves are liable to be seized and sold and the proceeds go to the treasury.

This point, however, was also unsettled, and the disposal of the smuggled negro was left to the various States.¹

In regard to the punishment of slave traders, the Southern members opposed the death penalty and favored forfeiture and fine. Mr. Macon did not express his views on this point, but his colleague, Mr. Holland, of North Carolina, said that, as the South did not regard slaveholding as a moral offence, death was too severe a penalty. He wished to place the traffic on political and not moral grounds, and Mr. Macon was of the same opinion.

"I still consider this a commercial question. The laws of nations have nothing more to do with it than the laws of the Turks or the Hindoos . . . If this is not a commercial question, I would thank the gentleman to show what part of the Constitution gives us any right to legislate on the subject?"

Once again in these debates does Macon make a bold stroke. Mr. Bidwell made an amendment to the forfeiture clause: "*Provided*, That no person shall be sold as a slave by virtue of this act." The vote was a tie, 60 to 60. Macon vetoed it. Finally a Senate bill replaced that of the House, and the law instituting forfeiture and imprisonment was at last established. There were many evasions, which were always a crumpled rose leaf to the Southern members. In 1809, in the debates on embargo and foreign intercourse, it was suggested to open trade with Hayti. Randolph was terrified, thinking the policy, if adopted, would cause slave insurrections. Mr. Livermore, who had introduced the idea, replied that there was already an illegal trade between Hayti and North Carolina. Mr. Macon then arose; he was more excited than Randolph, and declared that war with both France and England was preferable to trade with the rebellious West Indian negroes.

1. *Ibid*, P. 179.

In the meantime there was a break in the Republican ranks which culminated in Macon losing the Speakership and Randolph's temporary retirement from Congress. Randolph's prospects for a long and successful career had been flattering. The Speaker, his intimate friend, himself chairman of ways and means committee, and friend and relative of the President, no man has ever had a better opportunity for a long period of national service. But he was too overbearing and jealous of his colleagues. In the first place, Jefferson and Madison feared the Federalists, who yet held the judiciary, and at Jefferson's instigation and contrary to the advice of Macon, Randolph impeached Judge Chase. He failed, not one of the long list of charges receiving the required two-thirds majority. A failure is never a guarantee of success. Then the Yazoo frauds claimed the attention of the House. Madison and the Northern members favored a compromise, but Randolph was inexorable. Then Randolph and Macon were extreme strict constructionists, and had even denied the right of Congress to bridge the Potomac because Virginia and Maryland had a right of navigation. The result was that by 1805 their fortunes were waning. October 23 Randolph wrote to Nicholson concerning Macon's chances for the Speakership in the new Congress:

"I am now seriously apprehensive for his election; and more on his account than from public considerations, although there is not a man in the House, himself and one other excepted, who is in any respect qualified for the office. I cannot deny that the insult offered to the man would move me more than the injury done the public by his rejection. Indeed, I am not sure that such a step, although productive of temporary inconvenience, would not be followed by permanent good effects. It would open the eyes of many well-meaning persons, who, in avoiding the scylla of innovation, have plunged into the charybdis of federalism Do not fail to be in Washington time enough to counteract the plot against the Speaker, and pray apprize such of his friends as are within your reach of its existence."¹

1. Adams' Randolph, P. 158,

After a sharp contest Macon was re-elected, and Randolph was once more placed on the ways and means committee.

Jefferson's term was to expire soon and Madison, in the minds of his party, was to be his successor. Randolph could not tolerate Madison, and championed the only man who could rival him, Monroe. As Jefferson and Madison were intimate, he broke with the President, and refused to support the two-million appropriation for the purchase of Florida, although he had engineered the Louisiana purchase. He now fought the administration on every issue, and voted steadily with the Federalists. By 1807 the Northern wing were in the majority, and Varnum, of Massachusetts, was chosen Speaker. "The spell," says Mr. Adams, "was now at an end, and Macon, although retaining friendly relations with Randolph, hastened at this session to draw away from him in politics, and gave an almost unqualified support to the administration."

A relation of Macon's policies on the Sedition Laws and the slave trade are necessary only when his entire life is considered. That part of his career which has made him a national character, which has formed a prominent place in our history however briefly it is studied, was his service in the period of our foreign affairs just previous to the War of 1812. As stated, Macon was for several years but the shadow of Randolph and the influence of the erratic Virginian over him is in no way better illustrated than in the debates on foreign intercourse. In 1800, a bill came before the House to suspend trade with France. Randolph and Macon opposed it, and only through Gallatin's exertions was it passed. During the debates on non-importation of goods from England in 1806, Macon made one of his longest addresses to the House, and urged many objections to the imposed measure. Among other propositions, he gave as his opinion that the solution of our difficulties was to abandon the carrying trade and to

concentrate on the coast trade. Here again his views were identical with Randolph's. But by 1808, he had broken with Randolph and voted for the act excluding French and English vessels from American ports, while Randolph opposed retaliation. Yet he opposed appropriations for increasing our naval force, although the country was drifting nearer war day by day, for he declared that large navies never were, and never could be, conducive to commerce. Another example of his provincial simplicity is, that when war was more imminent than ever, he wished to loan our navy to some foreign power that American sailors might be taught European naval tactics. As a means of defence, he preferred Jefferson's system of gunboats to large frigates.

But embargo was a failure. The law was unsatisfactory, yet repeal meant to yield to France and England. In the spring of 1810, the "American Navigation Act" was substituted. This is often called "Macon Bill No. 1," because introduced by Macon, though the real author was Gallatin, then cabinet officer.

It excluded French and English vessels from our harbor but allowed American vessels to leave port, and confined all importations from France and England to ships direct from those countries. Schouler says, "Had such an experiment as this been undertaken in place of embargo two years earlier, most probably it would have forced England to terms, or else provoked her to such outrageous retaliation that the American people would have sprung to their feet and fought with zeal."

The Bill passed the House but was lost in the Senate. Its defeat was due to the fact that the Anti-Gallatin faction was in the majority. Macon and his committee, however, soon reported a new bill, known as Macon's No. 2. Non intercourse was to expire with the session. Resistance to the decrees of England and Napoleon was abandoned, and, as if to put American influence out for competition, if one

of these powers would repeal its obnoxious laws, the United States would revive non-importation against the other. The effect was disastrous. Napoleon, through an agent, wrote to Armstrong, our minister, that he "loved the Americans" and would revoke his Milan and Berlin decrees if England would withdraw the Orders in Council. Madison then declared trade with England suspended, American vessels, trusting to the good faith of the Emperor, flocked to French ports but in December, 1810, by Napoleon's orders they were seized, and property to the value of ten million dollars was confiscated. Macon wrote to a friend that Taylor, of South Carolina, was the author of the bill, but Smith of Maryland said it was drawn up by the secret contrivance of Madison.¹ One thing is certain: the law was a terrible blunder and has left an ineffacable blur on our diplomatic history.

Mr. Macon opposed the war party until the Leopard-Chesapeake affair, when he declared that America had done all she could to prevent hostilities and now the National honor demanded armed resistance. Yet he wished the war to be defensive, not offensive; and for this reason he did not believe in increasing the navy. No one, he said, expected the war to be a naval one and every cent expended in the repair of ships was useless. The army, he insisted, should be organized on the old Revolutionary plan instead of the new system proposed.

These are the principle questions in which he was involved as Representative in Congress. There were many minor issues that felt his influence which cannot be mentioned. There was one bill introduced by him which, though defeated, has yet greatly affected American ideas. It provided that any citizen of the United States accepting title or gift from foreign powers without the consent of Congress, should cease to be a citizen and be incapable of

History of United States. Vol. II, 299.

1. Schouler, Vol. II. P. 196 n.

holding office. The amendment passed the House but was lost in the Senate. It was an able expression of that unpopularity which foreign family alliances have always received in this country. Mr. Macon also introduced an amendment which forbade any Congressman to hold civil office while National Representative. Tho' never incorporated in the Constitution as an amendment, this requirement was established by Congress as a regulation for its members.

In 1815 Mr. Macon passed into the Senate. Tho' his long service to the lower House made him one of the leading men of the day, his Senatorial career is of little interest. Perhaps this is because the destiny of the Nation was forever decided, in many respects, by the close of the War of 1812: Federalism was dead, the early Republican platforms had radically changed, the broad construction theory was dominant, and Macon could well say in 1824, that not a principle of his party was identical with those of the earliest days of National history.

As Senator, Mr. Macon voted against the first and second Missouri Compromises, opposed Internal Improvements, and, though he thought a National Bank would be expedient, he did not believe the Government had the authority to establish such an institution and therefore voted against its charter. It would be profitable and interesting to study his constitutional theories, but so few of his papers have been preserved and his speeches were so brief, that this is impossible. A letter of 1833 to S. P. Carson is a nucleus from which to draw general conclusions concerning his views on tariff and nullification.

"There can be no doubt that the United States are in a deplorable situation, . . . My opinion has never been a secret, and I have always stated it to those who wanted to know it. In the year 1824 the constitution was buried. The Senators who were then present will, it is believed, recollect the fact, and it was never afterward questioned by me while I continued in the Senate. . . . I never believed that a State could nullify and remain in the Union, *but always believed that a State could secede when she pleased, provided she would pay her portion of the public debt.*

"This right I have considered the best guard to the public liberty and the public justice that could be desired and it ought to have prevented what is now felt in the United States—oppression.

"A government of opinion, established by sovereign States, cannot be maintained by force. The use of force makes enemies and enemies cannot live in peace"

Mr. Macon was chairman of the Senate Committee on the Panama Congress. The committee's report was lengthy and against the United States, participation in the scheme. It was drawn up by Tazwell of Virginia and was defeated. Macon also cast a solitary vote against appropriations for Lafayette's reception on his visit to America—likewise he fought the appropriation asked by the Columbian College of Washington. He was economical even to parsimony, and to the last was jealous for the rights of the individual States.

In 1824 he received the electoral vote of Virginia for Vice-President and from 1825 to 1827 was President, *pro tem.*, of the Senate. In 1828 he resigned and returned to private life, having reached the Psalmist's limit of years. The public knew him again in 1835, when he presided over the State Convention which reformed suffrage, and once more in 1837 he was elector on the Van Buren ticket.

No study of Macon's public life would be complete without mention of those friendships whose traditions cast upon them the halo of the Platonic. His admiration of Randolph is proverbial in our political folk-lore. Mr. Adams, in his *Randolph* in the "Statesmen Series," infers that this affiliation was one-sided, that Randolph used the enchanted Macon as a tool to project his ambitions. Facts do not corroborate this view. Macon had an influence over his mentor that no other Congressman had. On May 24, 1812, Randolph made an *anti bellum* speech when there was no motion before the House. He was called to order by a member, but was sustained by the Speaker. Finally, after repeated interruptions and as many times sustained, the breach of parliamentary law was too evident, and Ran-

dolph was requested by the Speaker to produce a motion in written form. Angry words resulted, and there might have been another duel added to the long list of those days, but Macon interferred, soothed the temper of the angered Randolph, and nothing serious resulted. For this and other reasons the Virginian might well say: "If wisdom consisted in properly exercising our judgment upon the value of things desirable, Mr. Macon was certainly the wisest man I ever saw. In 1808 they separated in politics. There was doubtless an estrangement in social relations. From 1813, when Randolph failed to return to Congress, we know the old warmth of feeling waned. In 1815 Macon wrote to Nicholson that he had not heard from Randolph since the latter's retirement from public life, and that he could not account for the cold reception given Nicholson by Randolph recently in Baltimore.¹ Some time later amicable intercourse was re-established; for in 1826, Randolph, again in public life, wrote that his old friend Macon reminded him daily of "the old Major who verily believed that I was a none-such of living men." In his will Randolph bequeathed to Macon, "My oldest high silver candlestick, my silver punch ladle with whalebone handle, a pair of silver cases with handles and my crest engraved thereon, my hard metal dishes that have my crest J. R. in old English letters; also the plates of the same engraving, the choice of four of my best young mares and geldings, and the gold watch by Raskell . . . May blessings attend him, the best and purest and wisest man that I ever knew."

Macon was also an intimate friend of Benton. "Mr. Macon," he says in his "Thirty Year's View," "was the real Cincinnatus of America, the pride and ornament of my native State, my hereditary friend through four generations, my mentor in the first seven years of my senatorial and last seven of his senatorial life." "He spoke more

1. Adams' "Randolph," P. 202.

good sense while getting in his chair and getting out of it than many delivered in long and elaborate speeches." Madison, Monroe and Jefferson were strong in Macon's affections. One of the last and perhaps most pathetic of Jefferson's letters was directed to Macon. There is nothing in American biography more touching than these paragraphs from the old chieftain, alone and retired at Monticello, to his younger partisan, still strong and able for the battle. "I read no newspaper now but Ritchies," he says, "and in that chiefly the advertisements, for they contain the only truths to be relied on in newspapers." Is this the retribution for the errors of the *National Gazette*? He continues, "I feel much greater interest in knowing what has past two or three thousand years ago . . . I read nothing but the heroes of Troy, of the wars of Lacedæmon and others, of Pompey and Cæsar, of Augustus, too, the Bonaparte and parricide scoundrel of that day."

Unfortunately Macon destroyed his correspondence and for this reason many problems of his life must remain unsolved. In private life he was neat, punctilious, economical, plain and unostentatious. Yet to know the man, fully to appreciate his spirit and what he was to those who knew him intimately for years, is for us impossible. We can only read the idealizations of his many admirers, and conclude that this "Last of the Romans," as Jefferson named him, was among the "noblest of them all."

BOOK NOTICES.

Abraham Lincoln, A Man of the People. By Norman Hapgood. (New York: The Macmillan Co., 1899. Pp. xiii. 433.)

Mr. Hapgood's book is perhaps the most satisfactory portrayal of the character of Lincoln that is before the public. It is not so close and intimate a study as Herndon's but it covers fully the period of the war, which Herndon, goes over so hurriedly as to make his work seem, as indeed it is, incomplete. The treatment of Hapgood is sane, interesting, and devoid of eulogy, except as the incomparable character of his subject eulogizes itself. It shows Lincoln in a most human light. It is not wanting in certain small inaccuracies; but a book is to be measured by the good there in it and not by the bad. By this standard the work is a success.

J. S. B.

The History of South Carolina under the Proprietary Government, 1670-1719, and The History of South Carolina under the Royal Government, 1719-1775. By Edward McCrady. (New York: The Macmillan Co., 1897 and 1899. Pp. ix. 762 and xxviii. 847.)

Mr. McCrady's purpose is a laudable one. He has come to the rescue of the history of his State and with a great deal of industry has produced two large volumes. He has used the printed sources that relate to his subject with a spirit of fairness and with no little ability. But as to the unprinted sources his work is disappointing. There are, he says, 36 manuscript volumes of records brought over from the Public Rolls office in London and awaiting publication by the State of South Carolina. These documents seem to be accessible to the historian, since Mr. McCrady refers to them in a few cases; but in his whole work, wherein there is an abundance of footnotes, he has referred to these documents less than fifteen times. The references to the North Carolina Colonial Records are many times more numerous. All this seems to indicate that Mr. McCrady's work must be done over again when the documents to which I refer are in print; for it is most probable that such a publication will reveal much that is now unknown. At any rate it will be worth while to have a work that is on the sure basis of public documents. Besides this there are some inaccuracies as the confounding of Sir Hovenden Walker, who was in South Carolina in 1719, with Deputy Governor Henderson Walker, of North Carolina, who at that time was in his grave. Each work is too closely chronological in form to be clear, and the former lacks a Table of Contents. This fault is remedied in the second volume, and in each volume it is lessened by an adequate index.

J. S. B.

The Philadelphia Negro : A Social Study. By W. E. Burghardt Du Bois, Ph.D., Sometime Assistant in Sociology in the University of Pennsylvania; Professor of Economics and History in Atlanta University. (Publications of the University of Pennsylvania Series in Political Economy and Public Law, No. 14, 1899. Pp. xx. 520.)

The Future of the American Negro. By Booker T. Washington (Boston: Small, Maynard & Co., 1899. Pp. x. 244.)

There is no better indication of the Negro's progress than the rise of colored scholars and educators. That a race produces men who view the problems of humanity from the standpoint of reason, and rely on the fruits of their intellect for a livelihood, is a certain sign of an advance toward maturity in thought and feeling. This, more than the information set forth, lends interest to the subjects of this review.

Mr. Du Bois's monograph is by far the more scholarly and valuable. A graduate of Harvard and two years a student at Berlin, he has applied to his subject the best of modern methods; and his four hundred pages form perhaps the most complete social investigation by an American writer. He first reviews the history of the Negro in Philadelphia, and one is impressed that the prejudice and hard feeling against the colored man has been largely due to economic causes. Negroes were brought into the colony and city at an early date, and were finally emancipated by a gradual process. Although degraded, they were so inspired by freedom and directed by able leaders that they made considerable progress. But the rise of factories and immigration of foreign labor, as well as the antipathy of those opposed to abolition, checked this development and increased crime and poverty. Gradually economic adjustment allayed excitement and a normal condition was attained, but the inpouring of emancipated Southern blacks at the close of the war caused another crisis, marked by idleness, poverty, and vice.

With such a history for a background, a social study of any people must be instructive. Limited space forbids extensive review. One of the most significant chapters is on the family which "was destroyed by slavery, struggled up after emancipation, and is again not exactly threatened, but neglected, in the life of city Negroes." Another on "organized life" contains many suggestive ideas on the church and its hold on the people. "As a social group the Negro Church may be said to have antedated the Negro family on American soil, as such it has preserved, on the one hand, many functions of tribal organization, and on the other, many of the family functions." One equally important chapter discusses crime and it is shown that the percent of Negro crime in the city today is far less, according to population, than before the war, "that after the war it decreased until the middle of the seventies and then, coincident with the beginning of the new Negro immigration to cities, it has risen pretty steadily." Much of this increase has been due to change of life and economic competition. Finally, what is said of "color prejudice," makes one wonder that even so much has been done by Negro individuals. Speaking of the graduates of one colored school, he says: "From one-half to two-thirds of these have been compelled to leave the city in order to find work; one, the artist, Tanner, whom

France recently honored, could not in his native land much less in his native city find room for his talents. He taught school in Georgia in order to earn money enough to go abroad."

The most striking element of Mr. Washington's book is its elevated moral tone. "The time has come, it seems to me, when in this matter (the race problem) we should rise above party or race sectionalism into the region of duty of man to man, of citizen to citizen, of Christian to Christian; and if the Negro, who has been oppressed and denied his rights in a Christian land, can help the whites of the North and South to rise, can be the inspiration of their rising into this atmosphere of generous Christian brotherhood and self-forgetfulness, he will see in it a recompense for all that he has suffered in the past." The burden of the subject matter is the need of industrial training among the Negroes. There are many sentences that smack of the proverb, as, "The American dollar knows no prejudice." The essay that reaches current conditions is the one on lynchings, and the immoral effects of mob law on the people is established by carefully prepared statistics. Again, we find this passage:—"I am not pleading for the Negro alone. Lynching injuries, hardens, and blunts the moral sensibilities of the young and tender manhood of the South. Never shall I forget the remark by a little nine year old white boy, with blue eyes and flaxen hair, after he had returned from a lynching; 'I have seen a man hanged; now I wish I could see one burned.' Rather than hear such a remark from one of my little boys, I would prefer to see him in his grave."

After considering the thoughts and work of these men, we can not but feel that the negro is not in all an evil; that some day he will cease to be a "problem"; and that that spirit of pathos and melody that has been his characteristic in the past, may be a fore-gleam of a valuable and effectual citizenship in the future.

W. K. B.

